

00001

1

2

3

4

5

6

SOUTHCENTRAL FEDERAL SUBSISTENCE
REGIONAL COUNCIL MEETING

7

8

9

10

VOLUME I

11

12

Copper Center, Alaska

13

March 20, 2001

14

8:00 o'clock a.m.

15

16

17 COUNCIL MEMBERS PRESENT:

18

19 Ralph Lohse, Chairman

20 Gilbert Dementi, Sr.

21 Fred H. Elvsaas

22 Fred John, Jr.

23 Kenneth Vlasoff

24

25

26 Coordinator: Ann Wilkinson

00002

P R O C E E D I N G S

CHAIRMAN LOHSE: I'd like to call this spring meeting of the Southcentral Subsistence Regional Advisory Council to order. At this point in time we'll have the roll call and establishment of the quorum.

MS. WILKINSON: Gilbert Dementi.

MR. DEMENTI: Here.

MS. WILKINSON: Ken Vlasoff. Fred Elvsaas.

MR. ELVSAAS: Here.

MS. WILKINSON: Roy Ewan. Clare Swan.
Fred John.

MR. JOHN: Here.

MS. WILKINSON: Ralph Lohse.

CHAIRMAN LOHSE: Here.

MS. WILKINSON: Mr. Chairman, you do have a quorum this meeting.

CHAIRMAN LOHSE: Okay, with a quorum, I'd like to take this opportunity to welcome everybody. Everybody that's going to be giving public testimony I've been requested to ask to make and remind you to speak into the mikes because we need to have it on record and the other thing is he said the mike's are sensitive but they're not so sensitive that you can ignore them. At this point in time I'd like to introduce myself, I'm Ralph Lohse, I'm the Chair of the Southcentral Regional Advisory Council. I live at 44.5 McCarthy Road out in the Chitina River Valley and I'd like the rest of the Council to introduce themselves and then we will just start at the back and we'll work our way and everybody can introduce themselves. And this is Ann, she's our coordinator, the one that keeps us running and keeps everything in order so I'll let her introduce herself when the time comes, too.

MS. WILKINSON: Okay.

CHAIRMAN LOHSE: Fred.

MR. JOHN: Fred, John, Jr., Mentasta.

00003

1 MR. ELVSAAS: I'm Fred Elvsaas from
2 Seldovia.

3
4 MR. DEMENTI: Gilbert Dementi, Cantwell.

5
6 MS. WILKINSON: Ann Wilkinson.

7
8 CHAIRMAN LOHSE: Okay, well, we'll start
9 with those guys that are trying to stay out of the
10 limelight over there.

11
12 MR. SHERROD: George Sherrod, Fish and
13 Wildlife Service. I'm the anthropologist for the two
14 Interior regions.

15
16 MR. DeMATTEO: Pete DeMatteo, I'm the
17 wildlife biologist for the Interior regions, Office of
18 Subsistence Management.

19
20 MR. LaPLANT: Dan LaPlant, I'm the wildlife
21 biologist for Office of Subsistence Management for the
22 Southcentral region.

23
24 CHAIRMAN LOHSE: Start in the back and work
25 your way around.

26
27 MS. FRIEND: Connie Friend. Tetlin
28 Wildlife Refuge.

29
30 MR. SIMEONE: Bill Simeone, Alaska
31 Department of Fish and Game, Division of Subsistence.

32
33 MR. BUKLIS: Larry Buklis. I'm a fishery
34 biologist with the Office of Subsistence Management and
35 I'll be the fishery biologist assigned for the Staff that
36 supports your region. I just started four or five or six
37 months ago but I have had a career with Fish and Game for
38 over 20 years.

39
40 MR. SONNEVIL: I'm Gary Sonnevil. I'm the
41 project leader of the Kenai Fishery Resource for Fish and
42 Wildlife Service and I guess, recently named your Cook
43 Inlet in-season manager.

44
45 MS. HILDEBRAND: Ida Hildebrand, BIA Staff
46 Committee member.

47
48 MS. LOHSE: Lnita Lohse. I'm with the
49 Chitina Native Corporation.

50

00004

1 MR. HOLBROOK: Ken Holbrook, Chugach
2 National Forest.

3
4 MR. SPANGLER: Rob Spangler. I'm the
5 fisheries subsistence biologist out of Girdwood.

6
7 MR. McBRIDE: Doug McBride. I'm the
8 fishery biologist for the FIS shop, Office of Subsistence
9 Management.

10
11 MR. SHOWALTER: James Showalter, Kenaitze
12 Tribe.

13
14 MS. ELVSAAS: Ruth Elvsaa, I'm Fred's
15 wife.

16
17 MR. JENNINGS: Good morning. My name is
18 Tim Jennings. I'm the Division Chief in the Office of
19 Subsistence Management.

20
21 MR. MIKE: Donald Mike. Eastern Interior
22 Council Coordinator for the Office of Subsistence
23 Management.

24
25 MS. SMOGGE: Rita Smogge, Kenaitze Indian
26 Tribe.

27
28 MR. BALDWIN: Allan Baldwin, Kenaitze
29 Indian Tribe and also representing the Native Village of
30 Eklutna.

31
32 MR. VEACH: Eric Veach. I'm a fisheries
33 biologist for Wrangell-St. Elias National Park.

34
35 MS. SHARP: Devi Sharp. I'm the chief of
36 resources for Wrangell-St. Elias National Park and
37 Preserve.

38
39 MR. BRELSFORD: Hi, I'm Taylor of
40 Brelsford. And as of about six weeks ago I've gone to work
41 for the Bureau of Land Management as the Staff Committee
42 member. So I switched roles from working with OSM after
43 all of these years and now will be working with the
44 Glennallen field office for the BLM at this meeting.
45 Thanks.

46
47 MR. NELSON: I'm Ron Nelson. I came on as
48 a district ranger for the Glennallen district just in
49 February here so I'm glad to be here.

50

00005

1 MR. WATERS: Elijah Waters, wildlife
2 biologist for the Glennallen field office of BLM.

3
4 MS. JULIUSSEN: I'm Bonnie Juliussen,
5 Kenaitze Indian Tribe.

6
7 MR. DOLCHOK: Emil Dolchok, Kenaitze Indian
8 Tribe, Kenai.

9
10 MS. WELLS: Susan Wells, subsistence user,
11 Kenai area.

12
13 MR. WILSON: Wayne Wilson, Kenaitze Indian
14 Tribe.

15
16 MS. COMEAUX: Jacqueline Comeaux, Kenaitze
17 Indian Tribe.

18
19 MS. ATCHISON: Bernadine Atchison of the
20 Kenaitze Indian Tribe.

21
22 MS. PETRIVELLI: Pat Petrivelli,
23 anthropologist for the Southcentral region and Kodiak
24 Aleutians with the Office of Subsistence Management.

25
26 MR. BURROWS: And I'm Dave Burrows, court
27 reporter with Computer Matrix, it's nice to be here.

28
29 CHAIRMAN LOHSE: Okay, with that we need to
30 review and adopt our agenda. Council members have you
31 looked at the agenda, do you have any additions you'd like
32 to place on it or changes you'd like to make in it?

33
34 Hearing none, a motion to adopt the agenda
35 as written is in order.

36
37 MR. JOHN: I move that we adopt the agenda
38 just like it is.

39
40 CHAIRMAN LOHSE: Do I hear a second?

41
42 MR. DEMENTI: Second.

43
44 CHAIRMAN LOHSE: It's been moved and
45 seconded that we adopt the agenda as written. Comments.
46 Discussion. Question's in order.

47
48 MR. ELVSAAS: Question.

49
50 CHAIRMAN LOHSE: Question's been called.

00006

1 All in favor, signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN LOHSE: All opposed, signify by
6 saying nay.

7

8 (No opposing votes)

9

10 CHAIRMAN LOHSE: Motion carries. Okay,
11 with that we go on to Tab 6, Tab C in your book, which is a
12 Federal Subsistence program letter. And I think Ann is
13 going to read that to us, right?

14

15 MS. WILKINSON: As soon as I get there.

16

17 CHAIRMAN LOHSE: Did you get your glasses
18 yet, Ann?

19

20 MS. WILKINSON: No.

21

22 CHAIRMAN LOHSE: Oh, well.....

23

24 MS. WILKINSON: That's okay, that's okay.

25

26 CHAIRMAN LOHSE:then maybe I should
27 read it.

28

29 MS. WILKINSON: I can do it, it's just a
30 little.....

31

32 CHAIRMAN LOHSE: I can do it then if your
33 glasses haven't come yet.

34

35 MS. WILKINSON: Okay.

36

37 CHAIRMAN LOHSE: The gist of the letter is
38 the actions that the Federal Subsistence Board has take on
39 the fisheries proposals that we put before them. It's a
40 summary of it. It's about three pages, I'll run through it
41 real quick.

42

43 Does the public have copies of this? No.

44 In that case I'll just give them an overview on it. So
45 it's Proposal 13, submitted by the Ninilchik Traditional
46 Council, Steven Vanek and Fred H. Bahr of Ninilchik.
47 Requested a positive customary and traditional use
48 determination for all fish and shellfish in the Cook Inlet
49 area for residents of the Kenai Peninsula district.

50

00007

1 Proposal 33 was submitted by Henry Kroll of
2 Seldovia. This proposal requests a positive customary and
3 traditional use determination for herring, crab, smelt,
4 whitefish, razor clams and salmon in the Tuxedni Bay for
5 residents of the bay only. Both proposals request open
6 season dates and harvest. These proposals were considered
7 together. The Board deferred action on them. The Board
8 intends to take up Kenai Peninsula RFR no later than June
9 29th, 2001 and will thereafter address requests for
10 customary and traditional use proposals on the Kenai
11 Peninsula.

12
13 The Board will also address wildlife
14 Proposal 01-49 following the RFR. Proposal 49 was
15 submitted by the Kenaitze Indian Tribe and requests a
16 positive customary and traditional use determination for
17 moose and caribou in Units 7, 9, 15 and 16 for residents of
18 Unit 15.

19
20 Those are all deferred until after the RFR.

21
22 Proposal 14 was submitted by Joe Gale of
23 Anchorage. This proposal requested that subsistence salmon
24 fishing in the Copper River be restricted to estuary waters
25 only. The Board rejected it.

26
27 Proposal 15, submitted by the Copper River
28 Native Association. This proposal requests that a positive
29 and customary and traditional use determination for salmon
30 for the Chitina subdistrict for Federally-qualified
31 subsistence users from the villages of Cantwell, Chitina,
32 Chistochina, Copper Center, Gakona, Gulkana, Mentasta and
33 Tazlina. The Board adopted this one as recommended by
34 Southcentral Regional Advisory Council.

35
36 Proposal 16, submitted by the Copper River
37 Native Association. This proposal requested subsistence
38 salmon season be opened year-round within the Glennallen
39 subdistrict. The Board adopted this proposal with a
40 modification. It opens on May 15th and closes September
41 30th.

42
43 Proposal 17 submitted by the Native Indian
44 Rights Fund on behalf of Katie John and the Mentasta
45 Council, this proposal requested five changes to the
46 current regulations. The season remain open seven days a
47 week, without harvest limits, permit holders be allowed to
48 harvest chinook salmon within the Batzulnetas subsistence
49 fishery, permit holders should be allowed to use rod and
50 reel within the Batzulnetas subsistence fishery,

00008

1 subsistence fishing permits should be administered through
2 the National Park Service and the National Park Service
3 should install and maintain regulatory markers to identify
4 the Batzulnetas fishery. Southcentral Regional Advisory
5 Council's recommendations to the Board was to support the
6 proposal however the Board adopted it with modification.
7 The Board decided to remove the court order harvest limits,
8 remove the court order requirements for weekly catch
9 reporting to the Cordova office. Establish the National
10 Park Service will place and maintain regulatory markers.
11 Extend the season from May 15th to September 30th.
12 Establish the National Park Service Slana office is the
13 place to issue the permits. Require permits to be returned
14 to Slana no later than October 15th and remove the
15 requirements of a live-box. Allow the use of fish wheels,
16 dipnets and rod and reel in the Cooper River, allow the use
17 of dipnets, rod and reel and spears in Tanada Creek and not
18 allow the take of chinook salmon in Tanada Creek but will
19 allow retention of chinook salmon in a fish wheel on the
20 Copper River. The reason the chinook salmon was lack of
21 sufficient evidence that there was sufficient stock in
22 Tanada Creek.

23
24 Proposal 19, from Douglas Hosken of Tok,
25 the proposal requested that customary and traditional use
26 determinations for salmon for the Glennallen subdistrict of
27 the Upper Copper River district of Prince William Sound and
28 Proposal 20 by the Dot Lake Council, this proposal
29 requested that the customary traditional use determinations
30 for salmon for the Glennallen district of the per Copper
31 River district of the Prince William Sound area and Copper
32 River at the mouth of and in Tanada Creek be changed to
33 include residents of Dot Lake, Northway, Tanacross, Tetlin
34 and Healy Lake. The Board took up both proposals,
35 Proposals 19 and 20 and adopted it with the following
36 modifications. The Board did not adopt Southcentral
37 Regional Advisory Council's recommendation for this
38 proposal, which was that the customary and traditional use
39 finding for salmon in the Glennallen subdistrict of the
40 Upper Copper River district should be for residents of Dot
41 Lake, Northway, Tanacross, Tetlin, Tok, and along the Tok
42 cutoff from Tok to Mentasta Pass. Instead, the Board
43 adopted the recommendation of the Eastern Interior Regional
44 Advisory Council to include residents of Dot Lake, Healy
45 Lake, Northway, Tanacross, Tetlin, Tok, and those
46 individuals that live along the Alaska Highway from the
47 Canadian border to Dot Lake along the Tok cutoff from Tok
48 to Mentasta Pass and along the Nabesna Road. The
49 justification was that it showed that history of public
50 testimony data, past regulatory efforts support the

00009

1 inclusion of Healy Lake, which Southcentral left out and
2 those along the highway systems for subsistence use. The
3 Board did adopt the Council's recommendation and
4 modification which made a positive customary and
5 traditional use finding for the Batzulnetas fishery for the
6 residents of Dot Lake and Mentasta Lake only, stating that
7 the access and use of the Batzulnetas fishery is
8 traditionally limited to land owned by residents of
9 Mentasta Lake and Dot Lake, who are the sole users of this
10 fishery.

11
12 RFR 00-01 submitted by George Midvag. This
13 request for reconsideration of the May 2000 Federal
14 Subsistence Board to deny a positive customary and
15 traditional use determination for the residents of Slana
16 and others residing in Unit 13(C) for black bear, brown
17 bear and goat in Unit 11. The Board adopted the proposal
18 as it related to the community of Slana which is located in
19 both Units 11 and 13 unifying the customary and traditional
20 use determination for both portions of Slana as recommended
21 by the Southcentral Regional Advisory Council, Eastern
22 Interior Regional Advisory Council, Interagency Staff
23 Committee and Alaska Department of Fish and Game.

24
25 And that summarizes the action of the Board
26 as it affects our area in their spring meeting. Any
27 comments by Council members, any questions? With that, we
28 will go on?

29
30 MS. WILKINSON: Excuse me, Ralph.

31
32 CHAIRMAN LOHSE: Did I miss something Ann?

33
34 MS. WILKINSON: Yes.

35
36 CHAIRMAN LOHSE: Okay.

37
38 MS. WILKINSON: Review and adoption of
39 minutes from the last meeting.

40
41 CHAIRMAN LOHSE: You are right, I skipped
42 that. Okay, turn to Tab B and so we are out of sequence
43 but we have the minutes for the September 20th and 21st
44 2000 meeting. Council members, any corrections or
45 additions that need to be made to these minutes.

46
47 MR. ELVSAAS: I didn't see any.

48
49 CHAIRMAN LOHSE: Actually a motion to adopt
50 the minutes is in order.

00010

1 MR. ELVSAAS: I will move to adopt the
2 minutes.

3
4 CHAIRMAN LOHSE: To adopt the minutes, do I
5 hear a second?

6
7 MR. DEMENTI: Second.

8
9 MR. JOHN: Second.

10
11 CHAIRMAN LOHSE: It's been moved and
12 seconded to adopt the minutes. Now, any additions or
13 corrections to the minutes?

14
15 MR. ELVSAAS: Better put the date on that
16 motion.

17
18 CHAIRMAN LOHSE: I'll give you a couple
19 minutes. I didn't find any but.....

20
21 MR. DEMENTI: No, I didn't either, they
22 look fine to me.

23
24 CHAIRMAN LOHSE: So we have a motion on the
25 table, if there's no further.....

26
27 MR. ELVSAAS: I call for the question.

28
29 CHAIRMAN LOHSE:discussion. The
30 question's been called. All in favor of adopting the
31 minutes of the September 20th, 21st, 2000 meeting, signify
32 by saying aye.

33
34 IN UNISON: Aye.

35
36 CHAIRMAN LOHSE: Opposed, signify by saying
37 nay.

38
39 (No opposing votes)

40
41 CHAIRMAN LOHSE: Motion carries
42 unanimously. The minutes of the September 20th and 21st
43 meeting are adopted.

44
45 Okay, at this point in time we go on to
46 public testimony. The opportunity for public testimony
47 continues through the rest of the meeting also. And we
48 also have, always in this Council, if you have public
49 testimony that applies to a specific proposal, you can
50 request to save your testimony until that point in time.

00011

1 If you have just general testimony that you'd like to give
2 we'll take it at this point in time. So if I call your
3 name and you request to save it for a specific proposal,
4 you can. I'm just going to go down the list on these.
5 Emil Dolchok.

6
7 MR. DOLCHOK: Good morning, I'm Emil
8 Dolchok from Kenai. I'm a Kenaitze Native who has lived on
9 the Kenai Peninsula all of my life long before it was
10 divided into units and subunits. Long before it was a
11 Refuge and long before statehood. Before territorial days
12 my parents and their parents loved to fish. For
13 generations my family has hunted game and fished in the
14 waters of the Peninsula as a whole. All the areas between
15 the Point and the Kasilof River, 15(A), 15(B). Our
16 neighbors to the south used the land from Kasilof,
17 Tustumena to Katchemak and mainly Prince William Sound. My
18 hunting and trapping grounds are mainly along the Kenai and
19 Kelly River. I trap the Upper Kelly River and later the
20 Swanson River for beaver, and no other furbearing animals.

21
22 I hunted moose in the fall along the Kenai
23 River. There were no roads so we took boats up the river.
24 We used to line them up the river. I usually had to pull
25 the rope along the bank while my step-grandfather feet up
26 sat in the rear of the boat steering it. When we got our
27 moose, we loaded it in the boat and drifted down the river
28 to town where we moored our boat in the creek below Kenai.

29
30 I testified before to this committee about
31 the importance of and the use of the fisheries work. I want
32 to once again say now, how important it is for us to have
33 access to the fish resource starting early in the spring
34 and I will once, again, say that our people never wasted or
35 abused our right to use the fish and game.

36
37 My grandmother, mother and father used to
38 go gather and pick berries that we used for food and
39 medicines. I still pick the medicine they call paulene and
40 soak my feet in since I had an operation on my leg, and
41 there are too many plants to mention otherwise.

42
43 Our use of fish and game and plant life was
44 the source of our existence. The importance of our
45 resource has been central to who we are as people. We have
46 subsisted on the resource for generations. The resource
47 was and is important to our health and welfare. I say
48 health and I know from experience when I'm not having
49 access to my traditional food can mean. My doctor told me
50 to eat fish and wild game instead of store bought meats

00012

1 because they are better for my health and my heart. Dr.
2 Mayer, my heart doctor, said that eating the domestic meat
3 such as beef and chicken is bad for my heart. I didn't
4 really need the doctor to confirm that, my people have
5 known forever.

6
7 I am here today to ask this Board to
8 support and endorse the Kenaitze Indian Tribe proposal for
9 use of Federal lands for the harvesting of game, fish and
10 plants that have been our customary and traditional
11 subsistence foods. It is very important that we have the
12 lands we have had and have used for customary and
13 traditional hunting and gathering. We need to protect
14 hunting for subsistence use now. I don't want to see it go
15 the way our fishing has recently, where the sport fishermen
16 have taken over all the king salmon. We are not allowed to
17 catch a king salmon until after the middle of June and our
18 tradition when we started fishing the first of May, we get
19 our fish dried before the flies got thick, you know, and
20 usually have more sunshine in the early months of spring.

21
22 So I thank you very much.

23
24 CHAIRMAN LOHSE: Thank you, Emil. Any
25 questions for Emil? Thank you. Susan Wells.

26
27 MS. WELLS: I was hoping to kind of wait
28 for some of the discussion but I'll give it a try. I'm
29 Susan Wells, I live in Kenai. I was born in Seldovia. I'm
30 a subsistence user, Kenaitze Indian Tribal member. I'm
31 here today to request that this Council take into
32 consideration and adopt the recommendations of my tribe who
33 qualify as an appropriate regional council regarding the
34 customary and traditional uses of our subsistence resource.

35
36 There are eight factors in a Council review
37 draft that I'd like to just reiterate for the record. The
38 Federal Subsistence Board will make customary and
39 traditional use determinations based on application and
40 they apply these eight factors. And so I can go down, from
41 number 1, our tribe does have a long-term consistent
42 pattern of use, excluding the interruptions beyond our
43 control, State regulations, loss of land use and so forth.

44
45 Our people also have a pattern of use
46 recurring in specific seasons, every year, same area, same
47 places. Even families, same families would go to the same
48 area to hunt the same animals and an example for you from
49 my lifetime is every year when we moved to Kenai from
50 Seldovia we would get to go out to Sunken Island, which is

00013

1 right next door to the Wildlife Refuge and we have our own
2 campsites, even now after tradition has taken place, you
3 can find Emil Dolchok in the same space right on the same
4 place on the lake there. So we do have that recurrence of
5 use, and that's not just in that area.

6
7 Also our tribe has a patter of use
8 consisting of methods and means of harvest which are
9 characterized by efficiency and economy of effort and cost,
10 conditioned by local characteristics. You will hear more
11 testimony and I'm sure you've heard a lot of the elders
12 telling of their grandparents and their parents fishing on
13 the Peninsula. You know, we are privileged to have some
14 lands now that we can access and go to but we're still tied
15 by State regulations for fishing and hunting and they're
16 not considered subsistence, we're considered more of a
17 sport hunter when we go out and I find that objectionable.
18 I'm not a sport hunter, I'm a food eater.

19
20 Also our tribe has the consistent harvest
21 and use of fish and wildlife as related to past methods and
22 means of taking near and reasonable access from our
23 community. I learned how to prepare and cut fish from my
24 parents, actually my dad did better than my mom, my mom was
25 too fast. But I got to teach her how to make the dried
26 fish because I experimented and tried to remember what I
27 was taught about taking the backbone out and turning it
28 inside out and cutting the meat so it would dry i the sun.
29 Remembering how grandma would say that you don't let it get
30 too much sun because it will give you a bellyache. And I
31 haven't gotten a bellyache from fish ever.

32
33 Also our tribe has a means of handling,
34 preparing, preserving and storing fish and wildlife.
35 Traditions have been passed down for years and this is
36 something that I teach my own kids and the children that I
37 teach in the public school system. It's always an honor to
38 take the children down and use the tribal net and catch
39 fish and teach them how to clean it properly and keep the
40 beach clean and pass on those traditions that I've learned.

41
42 Also our tribe has a pattern of use which
43 includes the handing down of knowledge of fishing and
44 hunting, the skills, the value and lore from generation to
45 generation. And I've already spoken on that.

46
47 One thing with regards to moose hunting,
48 with this point, when dad would bring moose home, the whole
49 family got together to help clean and prepare it and
50 package it and get it in the freezer and run it to people

00014

1 who didn't have the food. Sharing was always a big part.
2 You never took a moose or caught fish or gathered clams or
3 berries without sharing with someone that didn't or
4 couldn't get to the resource. And that's a value that is
5 very important to our tribal people and those skills are
6 very important for passing down to, not only our children,
7 but to many of the newcomers that come to our state and are
8 using resources and I've witnessed how fish are cleaned by
9 some of our newcomers, the guides and there's a strip off
10 each side of the back and the back bone is full of meat and
11 the belly is still connected to the head and it's a
12 disgrace for our land and it's a risk to our resource.
13

14 Point number 7, our tribe has a pattern of
15 use in which the harvest is shared or distributed with a
16 definable community of persons. With the moose out at our
17 camp when someone catches a moose everybody goes out to
18 help with it to bring it in and then whoever gets it and
19 packs it up, it's usually their responsibility to make sure
20 that we all get a portion or a taste of it at least, and we
21 fry up our liver and onions right there at the camp and
22 enjoy the freshness of the kill and the promise of a
23 comfortable belly through the winter.
24

25 Number 8, our tribe has a pattern of use
26 which relates to reliance upon a wide diversity of fish and
27 wildlife resources in the area which provide substantial
28 cultural, economic, social and nutritional elements of the
29 community. And as you hear Emil speak earlier, he's had
30 heart problems and I know that his doctors say, eat wild
31 game, research says wild game is much better for you than
32 the domesticated beef which we weren't raised on. And so
33 it's very important for our own health and well-being.
34

35 So Kenaitze Indian Tribe meets all the
36 requirements, the eight factors, for determining
37 traditional and customary and uses and so we need your
38 support to attain access to the fish and wildlife resources
39 for our subsistence use. I would ask that this Council
40 forward support for the Kenaitze Indian Tribe's proposal, I
41 think it's numbered 49, that will be introduced here today.
42 Thank you.
43

44 CHAIRMAN LOHSE: Any questions for Susan?
45 Thank you, Susan. Rita.
46

47 MS. SMOGGE: I would like to wait until we
48 address the proposal.
49

50 CHAIRMAN LOHSE: For Proposal 49?

00015

1 MS. SMOGGE: Yes.

2
3 CHAIRMAN LOHSE: Jacqueline.

4
5 MS. ATCHISON: She's going to wait until
6 49, too.

7
8 CHAIRMAN LOHSE: Okay. Bernadine.

9
10 MS. ATCHISON: I'm going to wait, too.

11
12 CHAIRMAN LOHSE: Oh, you're going to hit us
13 all at that time, okay. Bonnie.

14
15 MS. JULIUSSEN: I want to wait, too.

16
17 CHAIRMAN LOHSE: James. We're getting to
18 be regular old acquaintances.

19
20 MR. SHOWALTER: Yeah, it seems like we've
21 been through these meetings quite often. My name is James
22 Showalter, Kenaitze Tribe. I'd like to speak on the
23 subject of C&T for the Kenaitze Tribe in Unit 15, which,
24 you know, consists of moose and caribou. On moose, as far
25 as I remember myself, I have hunted when I was big enough
26 to go with my dad and go out hunting. And on the education
27 of hunting and taking care of the animal and bringing it
28 back home and, of course, this was in the fall weather,
29 fall time of the year and not like present, whereas now
30 you've got to warm of weather and you have a lot of
31 spoilage and prior to that it was in the cooler weather
32 where we were able to hunt in the fall of the year.

33
34 And on moose hunting, for C&T, that went
35 back a long time before me, of course, and even in my time
36 during the moose hunting, there's sharing and customary and
37 traditional and we, now, at the tribe have an educational
38 moose hunt which we get a permit for one moose per year.
39 And in turn we get our youth and we take them out on a
40 moose hunt and we teach them everything we possibly know
41 about harvesting the moose to skinning it, all the useable
42 parts, cutting, packaging and sharing of the moose.

43
44 Right now we have been using the Native
45 lands which is the corporation lands which is referred to
46 Sunken Island Lake on 15(A), is where we have been doing
47 our hunts. And of course, that's joining now the -- I
48 don't know if it's a moose range or what it's referred to
49 now, but also we're asking for C&T on the Federal lands for
50 our moose and -- which we requested for the Kenai Peninsula

00016

1 encompasses the whole Peninsula for moose and caribou,
2 which, in the past the caribou were harvested on the Kenai
3 Peninsula and I don't know which time frame, if they were
4 died off, killed off and now they've been retransplanted
5 there and there is an excess harvest of -- or surplus of
6 caribou on the Peninsula which was stated by the biologist
7 from the Kenai area. And so we'd like to also continue our
8 past harvest of caribou on the Kenai Peninsula from the
9 tribe.

10
11 There was more I was going to say but I
12 can't think of it right off hand. But I guess if I
13 remember more, I could turn in another blue slip for
14 further testimony.

15
16 CHAIRMAN LOHSE: Anybody have any questions
17 for James? Thank you, James. And Allan.

18
19 MR. BALDWIN: I'll defer until 49.

20
21 CHAIRMAN LOHSE: You'll defer until 49.
22 Okay, I don't have any other requests for public testimony
23 at this point in time. If you want to testify, fill out a
24 blue slip and give it to Ann. The blue slips are.....

25
26 MS. WILKINSON: On that table over there.

27
28 CHAIRMAN LOHSE:on the table right
29 over here.

30
31 MS. WILKINSON: And some of them are green.

32
33 CHAIRMAN LOHSE: Some of them are green.
34 You might get stuck with a green slip instead of a blue
35 slip, but it will work, too.

36
37 (Laughter)

38
39 CHAIRMAN LOHSE: Okay, with that, we're
40 going to go on to wildlife proposals for review and Council
41 recommendations. This is under Tab D, these are the
42 proposals we've been talking about. Does anybody need a
43 moment to stretch at this point in time or are we okay to
44 keep on going.

45
46 MR. JOHN: Yeah.

47
48 CHAIRMAN LOHSE: Hearing no requests for
49 stretch, we'll at least get started, Tab D. We normally go
50 through this, we'll have an introduction and a Staff

00017

1 analysis given to us. We'll get the comments from the
2 ADF&G, summary of the written public comments and if there
3 are comments that have requested to speak we'll have them
4 then and then we'll go into deliberations and
5 recommendations. So do you want to start us off, George.

6
7 MR. SHERROD: Who does the introduction.

8
9 CHAIRMAN LOHSE: Who does the introduction.

10
11 MS. WILKINSON: It's yours.

12
13 MR. SHERROD: I do the introduction, okay.

14
15 CHAIRMAN LOHSE: Okay.

16
17 MR. SHERROD: Proposals 1 and 2 are
18 statewide proposals, they deal with all Federal public
19 lands in the state and they are put forward by the Interior
20 Councils and request the adoption of certain terms,
21 definitions into regulations, drainage, bait and salvage
22 are terms that currently have definitions in State
23 regulations but not in Federal subsistence regulations.
24 Airborne is not found in State regulations, but Eastern
25 Interior had requested that a definition of airborne also
26 be placed in Federal regulations. The definitions found in
27 State regulations can be found on Page 8 for the three
28 terms. The definition of airborne will be provided at the
29 end.

30
31 Airborne appears twice in Federal
32 regulations and deals with the transport or restriction on
33 transport of hunters and game. Bait appears 35 times in
34 Federal regulations, most importantly, 31 of the
35 occurrences deal with provisions for baiting black bear.
36 Current Federal regulations require adherence to most State
37 regulatory requirements for baiting black bear. The
38 registration of bait stations and so on, the clean up and
39 removal and it makes a lot of sense that we should have
40 similar regulations when we're that dependent upon the
41 State regulations. Drainage occurs 239 times within our
42 regulations, generally used to define hunt areas, special
43 hunt areas, management areas and so on. It is important to
44 have this definition in our regulations, particularly in
45 dealing with closures to non-Federally qualified users,
46 this would tighten up our ability to enforce these
47 closures. Salvage appears four times in our regulations
48 and it deals with wanton waste while our regulations say
49 that game must be salvaged, nowhere in our regulations does
50 it say what that actually means and this would provide a

00018

1 tightening of that and basically require that salvage means
2 to transport, prepare or preserve the edible meat of a game
3 animal, or wild fowl so to save it and prevent it from --
4 make it edible from waste -- prevent it from waste.

5
6 The effects of the proposals. Adoption of
7 these proposed changes would have no negative impact on
8 qualified rural Alaskans taking wildlife under Federal
9 subsistence regulations.

10
11 The preliminary conclusion is to support
12 the proposal. The definitions that are proposed to go into
13 regulatory language are found on Page 12 towards the
14 middle. The justification is basically that adopting these
15 definitions into Federal regulations would enhance the
16 enforceability of Federal subsistence regulations.

17
18 The end.

19
20 CHAIRMAN LOHSE: Okay. If everybody could
21 follow through that fast enough, basically the summary is
22 found on Page 12, the need for it is partially to be in
23 concurrence with State regulations and partially for
24 enforcement purposes. Airborne, I didn't see what they --
25 they came up with a pretty simple.....

26
27 MR. SHERROD: Transported by air.

28
29 CHAIRMAN LOHSE:transported by air.
30 And that includes -- okay.....

31
32 MR. SHERROD: If you look on Page 9
33 basically.....

34
35 CHAIRMAN LOHSE: If we look on Page 9 we
36 see what the State has.

37
38 MR. SHERROD: Right. We also see what's
39 currently in our regulations, the taking or assisting in
40 the taking of ungulates, brown bear, da, da, da, da,
41 following the day in which airborne travel occurred. And
42 therefore it would define essentially what airborne travel
43 is. There was some concern that such vehicles as
44 hovercraft might be considered airborne.

45
46 CHAIRMAN LOHSE: Okay. And hovercraft is
47 not classed as an aircraft?

48
49 MR. SHERROD: No.

50

00019

1 CHAIRMAN LOHSE: So basically what we're
2 looking at there, we're not defining when and where
3 somebody can take something with airborne, we're just
4 defining the word airborne.

5
6 MR. SHERROD: Airborne. And the same is
7 true with.....

8
9 CHAIRMAN LOHSE: And the other regulations
10 exist as to what you can do if you are airborne?

11
12 MR. SHERROD: Right.

13
14 CHAIRMAN LOHSE: Okay, so that's -- let's
15 take a look at -- am I out of order? I have a tendency to
16 jump out of order, let's see.....

17
18 MS. WILKINSON: Fish and Game and then.....

19
20 CHAIRMAN LOHSE: I didn't catch a Staff
21 analysis, but is the Staff analysis what we see on Page 12?
22 That's kind of the Staff recommendation?

23
24 MR. SHERROD: Yeah. The recommendation is
25 to adopt the proposal. The language that the Staff is
26 proposing go into our regulations is found basically at the
27 top of Page 12 there.

28
29 CHAIRMAN LOHSE: Okay.

30
31 MR. SHERROD: And, again, as you pointed
32 out, this is only defining terms that are currently used
33 multiple times within our existing regulations.

34
35 CHAIRMAN LOHSE: Yeah. It's just the
36 definition of terms, not setting regulations as to how you
37 can use bait or.....

38
39 MR. SHERROD: What is bait.

40
41 CHAIRMAN LOHSE:how you can use
42 airplane or what parts have to be salvaged, it's just a
43 term that defines what salvage, drainage, bait and airborne
44 means?

45
46 MR. SHERROD: That's correct, Mr. Chair.

47
48 CHAIRMAN LOHSE: Okay. Thank you. Any
49 questions for George?

50

00020

1 MR. ELVSAAS: In regards to salvage, where
2 it says the edible meat, you know, how do you define that?

3
4 MR. SHERROD: That's already in our
5 regulations. There is a definition for edible meat within
6 our regulations for each of the species, the large game
7 species and non-large game species. So that's already
8 defined in our regulation.

9
10 CHAIRMAN LOHSE: This is defining the word
11 salvage, saying that salvage is required consistent with
12 the other regulations that are already written.

13
14 MR. SHERROD: That's correct.

15
16 CHAIRMAN LOHSE: Okay.

17
18 MR. SHERROD: Currently we say that you
19 have to salvage the meat but that doesn't mean that you
20 actually have to transport it from the kill site in a
21 manner that's going to make it.....

22
23 CHAIRMAN LOHSE: Edible.

24
25 MR. SHERROD:edible by the time you
26 get it home. This says, if you're going to salvage the
27 meat, you better be able to meat it when you unload it out
28 of the back of your truck or boat or whatever.

29
30 CHAIRMAN LOHSE: That would be a good idea.

31
32 (Laughter)

33
34 CHAIRMAN LOHSE: When they bring it out and
35 it looks that way, so you can sit down and eat that whole
36 thing right now.

37
38 (Laughter)

39
40 MR. ELVSAAS: Well, you know, in reading
41 this, I know with my experience, for instance, with black
42 bear, we don't take the meat below the first joint.

43
44 MR. SHERROD: Uh-huh.

45
46 MR. ELVSAAS: There's nothing but sinew and
47 string and I suppose in a sense it is edible if you wanted
48 to save it and then you could take the other extreme, like
49 Ms. Wells was talking about, the people that take fish and
50 take just the backstrap or the fillet off of fish and leave

00021

1 so much of the edible fish.

2

3 MR. SHERROD: Uh-huh.

4

5 MR. ELVSAAS: You know, to me the head is
6 the better part of the fish. So how do we define the
7 edible part when you talk about salvage. So I mean if
8 that's what it means, I don't have a real problem with --
9 as to what you do salvage, but you know, and we don't want
10 to get too technical. There's got to be some
11 reasonableness here.

12

13 MR. SHERROD: Well, as I said, in our
14 regulations there is a definition of edible meat already.
15 And this proposal is not trying to redefine what is edible
16 or not edible in regulations. It's simply saying that if
17 you are to -- salvage means you're supposed to make sure
18 that what is considered edible in our regulations is edible
19 by the time you get it to its final destination.

20

21 CHAIRMAN LOHSE: Yeah. In other words,
22 you're required to take it out and get it home in good
23 shape.

24

25 MR. SHERROD: Right.

26

27 CHAIRMAN LOHSE: Okay. Alaska Department
28 of Fish and Game, comments. Do we have somebody here to
29 make comments on? I'm pretty sure they will support that.

30

31 MR. SHERROD: At the Eastern Interior they
32 supported -- at the Eastern and Western Interior, they
33 supported this proposal as drafted.

34

35 CHAIRMAN LOHSE: Okay.

36

37 MS. WILKINSON: Okay, excuse me, Ralph.

38

39 CHAIRMAN LOHSE: Yes.

40

41 MS. WILKINSON: Tim, just pointed out that
42 if the Department of Fish and Game isn't here, he asked
43 that I read their comments into the record.

44

45 CHAIRMAN LOHSE: Okay, thank you.

46

47 MS. WILKINSON: And we do have some listed
48 in the book. For Proposals 1 and 2, the ADF&G comment is
49 that they support these proposals. The adoption of this
50 proposal would align the current State and Federal

00022

1 definitions of bait, drainage and salvage and reduce
2 confusion for the public. We reserve comment on a
3 definition of airborne until one is presented for review.

4
5 CHAIRMAN LOHSE: Okay, so they didn't
6 comment on airborne.

7
8 MR. SHERROD: At the time that those
9 recommendations were drafted, they were looking at the
10 proposal and not the proposal analysis.

11
12 CHAIRMAN LOHSE: Okay. Do we have any
13 written public comments on these?

14
15 MS. WILKINSON: Yes, we do.

16
17 CHAIRMAN LOHSE: We do, okay.

18
19 MS. WILKINSON: Uh-huh.

20
21 CHAIRMAN LOHSE: What page?

22
23 MS. WILKINSON: The Denali Subsistence
24 Resource Commission supports the preliminary conclusion of
25 the analysis for Proposals 1 and 2. Wrangell-St. Elias,
26 Subsistence Resource Commission supports the proposals and
27 as George said, the Eastern and Western Interior Regional
28 Advisory Council support these proposals. They state that
29 defining these terms will help management and enforcement
30 of Federal subsistence regulations and will align Federal
31 and State regulations.

32
33 CHAIRMAN LOHSE: Okay, and this is just
34 Proposal 1 we're looking at right now?

35
36 MR. SHERROD: 1 and 2.

37
38 MS. WILKINSON: 1 and 2.

39
40 MR. JOHN: 1 and 2, yeah.

41
42 CHAIRMAN LOHSE: Oh, both 1 and 2 is both
43 on the defining.

44
45 MR. SHERROD: Right.

46
47 CHAIRMAN LOHSE: Oh, yeah, I see that now,
48 okay. Do we have.....

49
50 MR. JOHN: Mr. Chairman.

00023

1 CHAIRMAN LOHSE: Fred.

2

3 MR. JOHN: About airborne, could you give
4 me a little more on that, what the definition is and what
5 the State thinks about it?

6

7 MR. SHERROD: At the Council meeting where
8 they saw the rather simple definition we came up with
9 because there isn't one in State regulations and there
10 wasn't one specific to hunting in Federal regulations that
11 I could find. Airborne, we simply took the definition
12 transported by aircraft and the State was comfortable with
13 that term, that definition of the term.

14

15 CHAIRMAN LOHSE: And does this mean, either
16 hunters or game?

17

18 MR. SHERROD: Game, as it says in our
19 regulations. Again, it's not stipulating the action, it's
20 just saying what the term means.

21

22 CHAIRMAN LOHSE: Okay. So if it says, no
23 hunter can be transported, be airborne, then it means
24 transported by aircraft or game, then it means transported
25 by aircraft?

26

27 MR. SHERROD: Right. Page 9 is the two
28 examples in our regulations are in the middle of the page
29 in which the term airborne is used and this simply would
30 define that term with respect to those two provisions that
31 are currently in our regulations.

32

33 CHAIRMAN LOHSE: Yeah. Fred, maybe we need
34 to look at Page 9, it actually says where airborne comes
35 in. Do you have another question Fred?

36

37 MR. JOHN: Yeah. It's just that, I, as a
38 Native Alaska, you know, thinking about aircraft, I know up
39 in the north and Interior, they use quite a bit of aircraft
40 in subsistence hunting because they travel. But in my
41 area, you know, we never use aircraft so it's kind of a
42 foreign word to me.

43

44 CHAIRMAN LOHSE: Uh-huh.

45

46 MR. JOHN: You know, as a subsistence
47 hunter and a subsistence person, you know, so you know, I'm
48 going to have a little hard time with that. To me in my
49 area, airborne or flying plane out for subsistence is a no-
50 no. But we use snowmachines, so, you know, I just wanted

00024

1 to bring that up.

2

3 CHAIRMAN LOHSE: Uh-huh. Do we have any
4 oral public comments? I don't have any blue slips in front
5 of me on that. Okay, Council deliberation. At this point
6 in time, a motion to accept Proposal 1 and 2 is in order so
7 we can proceed.

8

9 MR. ELVSAAS: I will move to accept
10 Proposals 1 and 2.

11

12 CHAIRMAN LOHSE: Do I hear a second?

13

14 MR. ELVSAAS: We need a second.

15

16 CHAIRMAN LOHSE: Well, if we don't have a
17 second we can't operate on this one here.

18

19 MR. JOHN: I would.....

20

21 CHAIRMAN LOHSE: What?

22

23 MR. JOHN: Go ahead.

24

25 MR. DEMENTI: Can we.....

26

27 CHAIRMAN LOHSE: Do you want to defer it to
28 later?

29

30 MR. DEMENTI: Can the Federal government
31 define airborne a little further or whatever?

32

33 MR. SHERROD: Do we have any suggestions?

34

35 (Laughter)

36

37 MR. DEMENTI: Not really.

38

39 MR. JOHN: Mr. Chair.

40

41 CHAIRMAN LOHSE: Yes.

42

43 MR. JOHN: What I have a problem with is is
44 a lot of these proposals says to align themselves with the
45 State. The State is so out of compliance with the
46 subsistence people, that when it says that, I just -- it
47 just turns me off, I don't like it. Right now, you know,
48 the subsistence hunter is supposed to be on public land,
49 and Kenai, Parks, there are public land and I don't see why
50 they don't have it down there instead of -- you know, so it

00025

1 kind of turns me off when I see alignment with the State.
2 We're going to align with the State pretty soon and the
3 whole state's going to be subsistence hunting which the
4 State already considers their sporthunters, their
5 sportfishermen, everything is subsistence fishermen and
6 hunters anyway.

7
8 That's what kind of turns me off every time
9 I see stuff like that.

10
11 MR. SHERROD: Well, Mr. Chair, if I could
12 make a comment.

13
14 CHAIRMAN LOHSE: George.

15
16 MR. SHERROD: The Eastern and Western
17 Interior Council have sort of taken the stand that where
18 State regulations are more liberal than Federal
19 regulations, then it is more reasonable to align them with
20 the State. It's not their position that we have to get
21 along with the State and go every direction they go. But
22 basically if the Staff is directed by the Councils to look
23 at those examples, review changes to Federal -- I mean the
24 State regulations and in those cases where the State
25 regulations are more liberal than Federal regulations, we
26 draft proposals to try to make our regulations equally as
27 liberal as the State. So the term, align, when used by
28 these two groups is not to imply that they want to do
29 everything that the State is saying. And in this case
30 because, particularly with a lot to do with wanton waste
31 concerns and air taxi operator concerns in the Interior,
32 there was the feeling that there was a need to make our
33 existing regulations more enforceable to deal with the
34 problem of wanton waste and sort of illicit air taxi
35 operations, air taxi people that are operating basically as
36 guides. And that was the rationale of putting these
37 proposals forward.

38
39 CHAIRMAN LOHSE: George, can I ask you a
40 question on that then. Air taxi operators and guides and
41 non-resident hunters and urban hunters don't come under
42 Federal regulation to begin with, do they?

43
44 MR. SHERROD: If we close an area or place
45 restrictions on an area they do. That's where drainage
46 becomes important. A lot of times we will shut down lands
47 to non-qualified Federal subsistence users. Unless we have
48 a very clear definition of what that area that is closed
49 is, then potentially you have a loophole that allows non-
50 qualified subsistence users to basically skirt Federal

00026

1 regulations. If we have restrictions on transportation of
2 non-qualified subsistence users, then, again, they would
3 fall under the aircraft definition. So in those two cases,
4 basically, non-subsistence users could be restricted based
5 on these definitions or these definitions would help
6 restrict them based on other regulations, I guess, is what
7 I'm trying to say.

8
9 CHAIRMAN LOHSE: But the bait and the
10 salvage, if any of those operations were taking place,
11 they'd be taking place under State regulations.....

12
13 MR. SHERROD: Right.

14
15 CHAIRMAN LOHSE:which are already
16 restrictive.

17
18 MR. SHERROD: No, no, the bait and salvage
19 would apply to subsistence users in this case.

20
21 CHAIRMAN LOHSE: And in this case, bait and
22 salvage would apply to subsistence users only.

23
24 MR. SHERROD: Only. But as I say, with the
25 -- the Interior Councils felt there was a need to make the
26 regulations a little bit tougher.....

27
28 CHAIRMAN LOHSE: More definable.

29
30 MR. SHERROD: As we all know, there are a
31 lot of people that wind up from New York live in Tok and
32 are a subsistence user.

33
34 CHAIRMAN LOHSE: Well, do I hear a second?
35 If I don't, this proposal just goes forward with out any
36 recommendations from this Council. It dies for a lack of a
37 second.

38
39 Okay, shall we go on to the next one.

40
41 MR. LaPLANT: Mr. Chairman, for the record
42 my name is Dan LaPlant. I'm with the Office of Subsistence
43 Management. I'd like to speak to you about Proposal No. 7
44 relating to Unit 13 caribou. The proposal begins on Page
45 21 of your booklet and the map of the Nelchina Herd, which
46 is primarily occupying Unit 13, the map is found on Page 23
47 and I want to refer to that.

48
49 Proposal No. 7 was submitted by Mr. Wayne
50 Crowson from Delta Junction. And Mr. Crowson is

00027

1 recommending that the winter portion of the harvest be
2 eliminated, that portion of the harvest that takes place
3 between October 21st and March 31st. As you probably know
4 the Nelchina Caribou Herd has been declining since about
5 1996. The population in 1996 was approximately 50,000 and
6 last falls surveys indicate that the population is now
7 around 29,600. The population of the herd has been
8 declining due to predation by wolves on the calf
9 population, on the annual calf crop and also from poor
10 summer range.

11
12 Mr. Crowson recommends that eliminating
13 that winter season would eliminate the shooting of pregnant
14 cows and which would help the herd recover or at least
15 slowly decline of the herd and he also stated that bulls
16 harvested after the rut are unfit for human consumption so
17 therefore eliminating that portion of the hunt that begins
18 on October 21st would eliminate that problem of people
19 harvesting animals that are unfit for consumption.

20
21 If we look at seasons, the State season
22 currently has a one bull harvest limit. Now, that was
23 instituted last year, so the current season, 2000/2001
24 season is a one bull harvest. Last year in 1999, the
25 harvest for the State under the State system was one
26 caribou so cows were permitted to be harvested at that
27 time. Then the year before in '98, it was a one bull
28 harvest. And then previous to that, in '96 and '97, you
29 remember there was a Tier I season in Unit 13 and harvest
30 of cows and yearlings were encouraged to reduce the
31 population because it was so high at that time.

32
33 The Federal harvest limit has been two
34 caribou every since the season began, the Federal program
35 began in 1991. To begin with, the Federal season was a
36 split season. It started August 10th through September
37 20th and there was a winter season that began on January
38 5th through the end of March. In 1997 the Federal
39 Subsistence Board began that early -- began the winter
40 season earlier to begin October 21st through the end of
41 March.

42
43 The management objectives for the Nelchina
44 Caribou Herd set by the State and the Federal Subsistence
45 Board utilizes State population objectives unless they set
46 their own. Those population objectives are 35,000 to
47 40,000 animals. So that's what the management is shooting
48 for. And they're also shooting for our cow/calf ratio of
49 about 35 to 40 cows -- or excuse me, calves per 100 cows.
50 Last fall in the survey, the data showed that there were

00028

1 about 20 calves per 100 cows. So the population, the calf
2 population has declined quite a bit. In fact, they tell us
3 that that is the lowest the calf/cow ratio has been in
4 about 30 years. The year prior to that, in 1999, the
5 cow/calf ratio was 23 calves per 100 cows. So it's
6 continued to drop.

7
8 The bull/cow ratio, the objective is to
9 manage for about 40 bulls per 100 cow ratio. The current
10 ratio as of last October surveys was 25 bulls per 100 cows.
11 And that's down from about 30 bulls per 100 cows from the
12 year before. So the bull/cow ratio is declining as well.

13
14 There's a high mortality rate within the
15 herd of about 15 to 25 percent. Normal mortality should be
16 about 10 percent, so we have a high mortality rate. And if
17 this trend continues, the Department of Fish and Game
18 predicts that the herd will continue to decline.

19
20 The harvest data under the State system,
21 last year, 1999 to 2000 -- the 99/2000 season under the
22 State system, they harvested 2,017 animals, in both cows
23 and bulls and the season was closed early by emergency
24 order when that 2000 mark was reached. This year in the
25 2000/2001 season they reduced the total number of permits
26 from 6,000 to 2,000 because of the declining herd. And as
27 of late November, the harvest, under the State regulations
28 was about 700 bulls. It's probably a bit more than that
29 now but I understand the herd has moved off to the east and
30 probably out of the unit. So the season, the State season
31 is still in effect.

32
33 Under the Federal season, last year, 1999,
34 the reported harvest was 389 animals, of those 181 were
35 cows and 207 were bulls.

36
37 I'd like to turn your attention to Table 1,
38 which is on Page 25, it shows the breakdown there of the
39 total harvest in relationship to the Federal harvest and
40 you see we have harvest listed from 1993 through the
41 99/2000 season. On the far right-hand column it shows the
42 Federal harvest and the percentage of the total harvest of
43 which the Federal harvest is. And you see normally it has
44 been four to six percent but starting in 1998 and then last
45 year, the Federal harvest became a much larger percentage
46 of the overall harvest. That's, of course, because the
47 State harvest has declined and the Federal has increased
48 somewhat. So there is a larger -- I should say the Federal
49 harvest has become a more significant part of the overall
50 harvest of the Nelchina Herd.

00029

1 We also looked at the distribution of the
2 hunt and if you look on Page 26 under Table 2, you'll see
3 where that over the last three years, the Federal harvest,
4 65 percent of the Federal harvest has taken place during
5 this winter season, 35 percent has taken place during
6 August and September. And as you know, subsistence hunters
7 prefer to hunt later in the year when snowmachine access is
8 available and probably after the State's general season
9 hunters have -- the numerous number of them have left the
10 field.

11
12 So I guess the effect of the proposal that
13 Mr. Crowson has presented would be that if we did eliminate
14 that winter season, 65 percent of the hunting opportunity
15 under the Federal program would be eliminated. And if you
16 remove 65 percent of the hunting opportunity, that would
17 mean about an average of 145 cows per year and with a
18 cow/calf ratio of 20 calves per 100 cows, that would save
19 about 19 calves a year so it would be a total contribution
20 of about 166 caribou a year. Kind of a small contribution
21 but a contribution. But at the same time, as I said, 65
22 percent of the hunting opportunity would be lost to Federal
23 subsistence hunters.

24
25 Some of the other things we've considered
26 in analyzing this proposal was to close Federal lands to
27 non-subsistence users and that would probably have very
28 little effect because there's only about two percent
29 Federal lands within Unit 13, so that would not even result
30 in a noticeable effect.

31
32 Another thing that could be done is to
33 reduce the Federal harvest to a one bull harvest like the
34 State has currently. That would be a possibility in the
35 future if the herd continues to decline. Or another
36 possibility would be to close the Federal season early
37 after reaching a predetermined harvest quota and so that's
38 something that could be considered in the future as well.

39
40 But our preliminary conclusion with this
41 proposal now is to modify Mr. Crowson's proposal and
42 continue the winter hunt but make it a two bull only hunt,
43 so effectively eliminate the cow harvest -- the cow portion
44 of the harvest so make the Federal subsistence hunt a two
45 bull limit and maintain the winter season.

46
47 One negative effect of that, though, would
48 be some expected snowmachine harassment of caribou. About
49 two weeks ago during the Board of Game meetings we heard
50 quite a bit of testimony from folks around Paxson and other

00030

1 areas of snowmachine harassment of winter hunters looking
2 for a bull in a caribou herd after antlers have dropped and
3 the State has a bull only season right now as well. So
4 snowmachiners would be moving around the herds looking for
5 the bull out of the herd and causing some harassment. So
6 that's a negative effect of a bull only season throughout
7 the winter.

8
9 But our preliminary conclusion, as I said,
10 would be to modify the proposal to make it a bulls only,
11 two bull harvest and keep the winter season.

12
13 Thank you.

14
15 CHAIRMAN LOHSE: Any questions?

16
17 MR. ELVSAAS: When you talk about the two
18 caribou bulls, are you talking about for the whole season
19 or just for the winter season?

20
21 MR. LaPLANT: Mr. Chairman, member Elvsaas,
22 for the entire season. So two bulls for the entire season.
23 Currently the season is two caribou and we recommend that
24 it just be changed to two bulls.

25
26 MR. ELVSAAS: But see during the fall
27 season, the cows are not pregnant at that point so at that
28 point it's also easier to find the bulls. But then in the
29 winter season if you had the bull only in the winter
30 season, wouldn't that be more practicable so, you know, in
31 looking at the numbers it's January, February and March
32 that the winter season is more active. But they talked
33 about after the rut, only two caribou were taken. I
34 suspect they probably were cows. But you know, there's not
35 that much activity at that time in regards to the meat, but
36 the meat is very good after the first of the year.

37
38 So I'm thinking that the season needs to be
39 there. It's a subsistence hunt and the hunt is for meat
40 and that's apparently when they need the meat. They hunt
41 the meat at that point. I could not support shutting this
42 down like they say.

43
44 The other thing is when you look at the
45 numbers, you're only talking -- this harvest of 5,000 --
46 4,000 -- 3,000 caribou and we're only talking about 143
47 cows have been taken in that time frame. We're not going
48 to rebuild a herd with just 143. What needs to be done is
49 more on the State, the sport hunt and so forth has to do
50 more to rebuild the herd.

00031

1 I was reading this over and thinking,
2 aren't we looking at the wrong end of this thing? You know
3 is this really an effort to rebuilt a caribou herd or is it
4 an effort to shut down subsistence uses. And frankly, I
5 would rather not change it at all. If there is a problem
6 with snowmachiners harassing a herd to find the bull which
7 I can see that to be very practicable, if you can only get
8 a bull, you're going to be sure you get one and the rest of
9 the caribou are being harassed in the snow, I think more
10 damage is done that way.

11
12 You mentioned also, 25 percent loss of the
13 herd, is that through predators? Where the normal loss was
14 10 percent prior and now it's 25?

15
16 MR. LaPLANT: Mr. Chairman. It's a
17 combination of predator effect on the herd as well as the
18 winter kill.

19
20 MR. ELVSAAS: Winter kill, yeah.

21
22 CHAIRMAN LOHSE: Is hunting included in
23 that, too?

24
25 MR. LaPLANT: Yes, it is.

26
27 CHAIRMAN LOHSE: So that's all take of the
28 herd?

29
30 MR. LaPLANT: All. Total mortality.

31
32 CHAIRMAN LOHSE: That's human predators,
33 animal predators and winter mortality?

34
35 MR. LaPLANT: I believe so, yes.

36
37 CHAIRMAN LOHSE: Fred, I saw you had your
38 hand up?

39
40 MR. JOHN: I think at the National Park
41 Commission meeting we went through this whole thing and I
42 don't think we changed it. Devi, did we change it?

43
44 MS. SHARP: You opposed it.

45
46 MR. JOHN: Caribou instead of bull, uh?

47
48 MS. SHARP We opposed the proposal because
49 it diminishes subsistence opportunities with little --
50 positive effect on the herd.

00032

1 MR. JOHN: I kind of agree with Fred, I
2 don't believe that we should put the subsistence user on
3 restriction. I don't see, when the Federal land is so
4 limited, you know, and I have another question. That two
5 bull is -- if you have the fall hunt, you know, the
6 subsistence user wouldn't like the bull then so they would
7 probably have to forego their subsistence hunt in the fall
8 and wait until the wintertime to wait for the bulls to be
9 okay. So I'd rather just leave it as it is, you know, two
10 caribou, because I don't think it's going to affect the
11 caribou that much from what I see here.

12
13 CHAIRMAN LOHSE: Do we have a State
14 biologist here to speak on this one?

15
16 MS. WILKINSON: No.

17
18 CHAIRMAN LOHSE: Then I'll have to ask you
19 a question and maybe you can answer it but maybe you can't.
20 It was kind of interesting to me that you said that the
21 State was concerned about snowmobile harassment right now
22 on the caribou herd by State hunters looking for a bull
23 because only the State hunters are required to have a bull,
24 a subsistence would take any caribou we saw at this point
25 in time.

26
27 MR. LaPLANT: Right. That was testimony
28 given by the Paxson Advisory Committee.

29
30 CHAIRMAN LOHSE: So in other words, the
31 State caribou season is still open right now?

32
33 MR. LaPLANT: Correct. And it is a one
34 bull season, one bull harvest limit.

35
36 CHAIRMAN LOHSE: And yet, at the same time
37 we have a bull/cow ratio of 25 to 100 instead of 40 to 100.

38
39 MR. LaPLANT: Correct.

40
41 CHAIRMAN LOHSE: So we don't have surplus
42 bulls, but there's a bulls only season open right now?

43
44 MR. LaPLANT: Right. But the total herd
45 population is down.

46
47 CHAIRMAN LOHSE: Yeah.

48
49 MR. LaPLANT: So it's to protect the
50 reproductive capabilities of the herd. It's to protect the

00033

1 cow population.

2

3 CHAIRMAN LOHSE: The only thing I can see,
4 though, is if we have a calf ratio of 20 to 100 ad we'd
5 like to have 40 to 100 on calves, 40/45 to 100 and we have
6 a bull ratio of 25 to 100, the section of the population
7 that must be in the best health is the cow population.

8

9 (Laughter)

10

11 CHAIRMAN LOHSE: Because the bull ratio's
12 down, the calf ratio's down, so that must mean that the cow
13 ratio is in the best shape.

14

15 MR. LaPLANT: Relatively speaking, yes.

16

17 CHAIRMAN LOHSE: Well, I mean.....

18

19 MR. LaPLANT: The whole population.....

20

21 CHAIRMAN LOHSE:the whole population
22 is down but.....

23

24 MR. LaPLANT:is down.

25

26 CHAIRMAN LOHSE:the segment of the
27 population that's in the best shape is the cows.

28

29 MR. LaPLANT: You could look at it that
30 way, yes. The State has reduced their season from 6,000
31 permits the previous year to 2,000 and they've reduced it
32 to a bull only.

33

34 CHAIRMAN LOHSE: Uh-huh.

35

36 MR. LaPLANT: So that was the State's
37 efforts to help the herd recover. But, yes, your
38 assessment is correct, I believe.

39

40 CHAIRMAN LOHSE: And their season extends
41 all the way through the winter then?

42

43 MR. LaPLANT: Yes, last year they closed y
44 emergency order earlier but it's currently going on right
45 now.

46

47 CHAIRMAN LOHSE: Yeah. At what point --
48 they have 2,000 permits, at what point were they planning
49 on closing the season, do you know? What was the take
50 going to have to be to close the season?

00034

1 MR. LaPLANT: I don't have that
2 information. I would -- well, I don't know.

3
4 CHAIRMAN LOHSE: Okay. Any other
5 questions? We don't have anybody from ADF&G, do you have
6 their written comments?

7
8 MR. JENNINGS: Mr. Chair.

9
10 CHAIRMAN LOHSE: Oh, we do have somebody
11 from ADF&G, I could have asked him all those questions.
12 It's ADF&G's turn.

13
14 MR. TOBEY: Mr. Chairman. My name is Bob
15 Tobey, I'm the area biologist for Unit 13 and Unit 11 and
16 the one who is primarily responsible for making
17 recommendations on this herd.

18
19 Basically the biggest concern we have is
20 with the cow harvest, not with the season. The reason we
21 had this is the herd is in decline and there really is not
22 much of a harvestable surplus. The amount that you take
23 now will effect how low the herd goes and how fast it
24 recovers. For instance, I modeled -- what we do is we get
25 our productivity data, number of calves, numbers of bulls
26 and counts and we put it into a model and project a little
27 and it has been really close in projections with what we
28 find in the field. And basically if you take a Federal
29 harvest of 200 cows, there's no State harvest of cows right
30 now and there won't be a State harvest of cows until the
31 herd starts recovering substantially. If you take an
32 average of 200 cows a year, that's pretty close to what
33 you've been harvesting the last couple of years and when
34 you add in there crippling loss and some non-reported, 200
35 is a very reasonable figure, in six years the herd will be
36 roughly 2,000 caribou lower than it is right now with that
37 200 harvest a year.

38
39 Basically we feel that when we're this low
40 and still declining, that we should do everything we can to
41 keep the decline as minimal as possible. We only issued
42 2,000 permits. It's for bulls only. We have a harvest
43 quota of a 1,000 bulls and I'll emergency close the season
44 when it gets to 1,000 bulls. We're only at 700 right now
45 and most of the caribou are out of the unit so we don't
46 think we're going to get close to that.

47
48 The real reason for the decline is the herd
49 reached about 50,000 and we feel that there's a lot of
50 evidence that it exceeded its range capacity. The body

00035

1 condition, we've been weighing female calves in he fall,
2 the body condition of the female calves declined. We've
3 been following radio-collared cows and the number of calves
4 they produce in the spring has declined. This indicates
5 some nutritional distress and that's the reason we wanted
6 the herd reduced to 35 to 40,000.

7
8 Basically, the hunting level that we've
9 seen so far has really not been the limiting factor the
10 last couple of years. If you look at calf production it's
11 so low that we basically can account for a decline of about
12 5,000 animals a year simply based on the lack of calves
13 produced compared to what was produced in prior years.

14
15 We think that keeping the herd below 40,000
16 for a period of time may be what's needed to allow that
17 range to recover. And that's the reason for our objective
18 of 35 to 40,000.

19
20 Complete elimination of cow harvest are not
21 necessary and, in fact, once the herd builds back up to
22 within 35 to 40,000 cow harvest will be necessary to keep
23 it there. But right now, until the predation gets under
24 control and until the productivity increases, we feel that
25 cow harvest will only make the decline steeper and make the
26 amount of time before the herd gets back to the management
27 objective longer. And our recommendation would be to cut
28 back a couple of years, a year, two, three, depending on
29 what happens with the herd and then we could come back in
30 harvesting at a higher level much sooner.

31
32 If you have any questions, I would be happy
33 to answer them.

34
35 MR. DEMENTI: Yes, this decline in the
36 herd, it seems like over in Cantwell about 20 years ago
37 there was a lot of caribou there, more than that, maybe 30
38 years ago and then all at once there was nothing for about
39 15 years and then all at once they're back in numbers. I
40 think they do decline because there's not enough food there
41 and I think they migrate -- they migrate somewhere else for
42 food. I mean if they decline from starvation or something,
43 you'd see thousands of caribou out there. And can you tell
44 the percentage of migration and the percentage of wolf
45 takes, bear takes or whatever?

46
47 MR. TOBEY: Mr. Chair. Yes, I think that
48 your observations are 100 percent correct. I think there's
49 two things that you pointed out that's going on. One is
50 the changes in population level that occur within the herd

00036

1 and the other thing is the use of the areas. For instance,
2 we have radio collars on caribou and we will see that for
3 some years they'll go in one particular place and feed
4 there and they'll be there in pretty high numbers for a
5 couple of years and then they won't go back there for
6 years. I think that has to do with local feeding and they
7 deplete the local food supply. But the thing about caribou
8 is they will eat -- just as you think they're in a habit
9 and they're going to go to the same place in the winter,
10 they don't, they go someplace else.

11
12 However, what they have done over the past
13 50 years is calve in the same spot and that's the area
14 where we're really concerned about the range use. We can
15 see a dramatic decline in the vegetation on the core
16 calving ground and that's the area that's essential for the
17 cows to get enough food so that they can feed their young.

18
19 As far as the mortality from predators on
20 our -- the only way that we can tell that is the mortality
21 on our radio collars. And prior to about three or four
22 years ago, our mortality on cows was under 10 percent from
23 wolves and bears. And last year it jumped up to about 20
24 percent and a couple of years before that it was high, too.
25 So we know that predation has increased dramatically
26 because we also know that wolf numbers in Unit 13 has
27 increased dramatically. We keep counts on wolves as best
28 we can and from the '80s, our wolves, we probably had about
29 150 wolves in the spring, this last few years we've had up
30 to 350 wolves in the spring. So we've had over a doubling
31 of the wolves in the unit and they're taking a
32 substantially higher portion of the caribou.

33
34 CHAIRMAN LOHSE: Any other questions for
35 Bob? I've got a couple questions. Is the fact the calf
36 population is down, one the lack of food on the calving
37 ground, does a lot of the predation also take place, not as
38 winter predation but as spring predation during the calving
39 season?

40
41 MR. TOBEY: Mr. Chair. Yes. In the late
42 1970s, early 1980s, until about early 1987, with land and
43 shoot of wolves, the calving ground was virtually free of
44 wolves, there was no predation to speak of on the calving
45 ground. The last few years there's been substantial packs
46 on the calving grounds. The other effect has been up until
47 about 1994 or '95, the caribou stayed on the calving
48 grounds a lot later, well, into the fall. They didn't move
49 throughout the unit as much and so they weren't subjected
50 to predation from other packs. Since about 1995 to '96

00037

1 because of -- we feel because of reduced forage on the
2 calving grounds, the caribou have moved off of the calving
3 grounds early and they've spread out over the entire unit
4 and they've made themselves available to the maximum number
5 of wolf packs and we think that that's one of the reasons
6 that wolves have done so well, that right at the time they
7 were raising their pups and whelping and the caribou spread
8 out and became an available source of nutrition.

9
10 So we've got predation throughout the year.
11 In Units 12 and 20 there are substantial number of wolf
12 packs that have been feeding on wolves [sic] over there --
13 feeding on caribou over here. And then when they move back
14 into this unit, they face a very high wolf population also.

15
16 CHAIRMAN LOHSE: Okay. So the two of those
17 combined for the decline, that's what I'm -- what I'm
18 looking at is the number that you gave -- you said in six
19 years -- if we didn't take the 200 cow caribou, in six
20 years that makes an impact of about 2,000 caribou on the
21 herd, so a one or two year closure has no impact at all, I
22 mean comparatively speaking when we start looking at
23 percentages? I mean it does have an impact on individual
24 animals but it's not -- if you're going to get any effect
25 of a cow closure on the subsistence season, six years is
26 2,000 animals, so that's -- I mean a two year closure
27 doesn't have much of an effect.

28
29 In comparison to the two big problems,
30 which is lack of food and predation, the impact of the 200
31 cows that are taken is relatively small, at least -- unless
32 I'm missing something here. Because I can't see where a
33 one or two year closure is going to impact the herd
34 positively enough that two years from now the situation
35 would be different, based on the closure of the cow season.
36 What's going to have to change is there's either going to
37 have to be better food or less predation for that impact to
38 even be felt. And then I'm not saying it's not going to
39 slow down recovery because anything slows down recovery but
40 if food continues to decline and predation continues to go
41 up, the impact of six years of closure won't even be
42 noticed.

43
44 Am I missing something?

45
46 MR. TOBEY: Mr. Chair, basically the only
47 thing we can do anything about.....

48
49 CHAIRMAN LOHSE: Right.

50

00038

1 MR. TOBEY:is the human harvest. And
2 when you take the cows, you're taking the productive units
3 out. And as you go down in time, it increases.

4
5 Now, we've addressed the nutrition aspect,
6 the herd is down below the management objective and it's at
7 a level that when it was this low before we felt that the
8 food supply was adequate, so - and you got to remember it's
9 only been down this level for a couple of years so we feel
10 that at this level, we should see some recovery of the herd
11 -- of the range, so we've addressed that.

12
13 We haven't addressed the predation. We
14 have liberal seasons and bag limits on wolves, but without
15 -- given current harvest restrictions we cannot attain a
16 high enough level of wolf harvest to bring that population
17 down. However, there are other factors that are coming
18 into play here and one of them is the dramatic decline in
19 moose numbers in the unit. And the fact is it won't be too
20 long before we just won't have the prey base in Unit 13 to
21 support the number of wolves we currently have.

22
23 And if you want to -- I guess -- our
24 objective is to keep the caribou population as high as
25 possible by saving the reproductive units, i.e., the cows,
26 so that they can get above this predation level and
27 turnaround and stabilize. Because if you harvest cows --
28 say for instance if the predation rate increases, it will
29 be a more dramatic effect because you're taking the
30 reproductive unit out. One year saving 200 cows, if I knew
31 in two years that this herd was going to turn around, 200
32 cows probably wouldn't matter but we don't know that And
33 so, you know, you can get into this situation where you
34 say, well, one or two years but if you end up down the road
35 and it is four or five or six years, then you are 2,000 or
36 more caribou lower than you would be if you had cut back on
37 the harvest.

38
39 CHAIRMAN LOHSE: Any more questions for Bob?
40 Fred.

41
42 MR. ELVSAAS: Well, it seems to me that the
43 food on the range, as you just described, it seems to be
44 recovering somewhat. There's less caribou eating the feed
45 so there's a chance for the range, especially the calving
46 ground to recover somewhat. And the big problem here is
47 the same as elsewhere, it's the wolves. I think if the
48 wolves are controlled -- if you've gone from 200 to 350,
49 that's a tremendous increase in wolves and producing more
50 caribou for wolf feed doesn't make an awful lot of sense to

00039

1 me. I just have a hard time saying that we should restrict
2 subsistence uses because we need to feed wolves, and, you
3 know, I know a lot of people love these wolves; for the
4 life of me I can't understand why, but nonetheless, it
5 seems the State should have a better wolf control program.
6 And I know that's an argument we can't resolve.

7
8 I just can't see restricting the cows, the
9 140-some cows that -- that's a safe number to use and yet
10 have these people like the State hunters now riding through
11 the herds looking for a suitable bull and, you know, that's
12 going to cause the loss of cows when they start running in
13 the snow and cutting their legs and so forth on the crust
14 and what not. That happens with moose and all of the game,
15 but to me it doesn't -- I don't think we're gaining by
16 making this a bull only hunt. IT seems to me that if a
17 subsistence hunter went out and got his caribou or two
18 caribou, and went on home, the herd is better off.

19
20 How about you caribou hunters, what do you
21 think?

22
23 CHAIRMAN LOHSE: That's a question that I'd
24 like to ask Bob, too, is currently we do have, you know, at
25 least a concern about that problem has been expressed in
26 the State hunt. And while the one -- what's going to
27 happen if that applies to subsistence hunters, it's going
28 to be less effort, we all know that, because if you have to
29 go look for a bull, a lot of subsistence hunters aren't
30 going to bother to go out. But if subsistence hunters then
31 also take part in looking through the herd for bulls only,
32 what kind of impact does that have on calf survival if you
33 stress animals this time of the year?

34
35 MR. TOBEY: Yeah, Mr. Chair, I think that
36 first of all, in some instances, some bulls are easier to
37 tell in the wintertime because the pregnant cows tend to
38 keep their horns and the bulls lose their horns starting
39 the 20th of October. You start getting into antler drop.
40 So a lot of the bulls have lost their horns and that aids
41 in identifying. Certainly the State has regulations
42 against harassing and chasing, disturbing caribou, but this
43 is also a factor in your Federal hunt, any time you take a
44 snowmachine out, you can disturb a caribou, but, you know,
45 it is illegal to chase and harass and follow through like
46 that on all these hunts.

47
48 Quite frankly, we have more concern over
49 recreational snowmachiners than we do hunters. If you were
50 to look at the number people up in the Paxson area

00040

1 snowmachining, I think that you'll find that a very, very
2 small majority of those are subsistence hunters or State
3 hunters, it's also a subsistence hunt, by and large, the
4 people up there running around are recreational
5 snowmachiners and we have no control over them with methods
6 and means and stuff like this. Recreational snowmachining
7 is just booming and I think that's more of a problem of
8 disturbing of animals than the hunter. Certainly the good
9 hunter who sees a caribou herd up there, he can get up on
10 him to tell, you know, if you can get close enough for a
11 shot, you can get close enough to tell what they are, and I
12 think the good subsistence hunter can do that without
13 running the herd.

14
15 CHAIRMAN LOHSE: I went up and looked at it
16 this weekend and it's all recreational snowmachiners up
17 there. The one thing that I noticed and I was going to ask
18 you about, most of the country where I saw moose tracks and
19 caribou tracks had timber and brush and gullies and an
20 awful lot of the country that I saw them running
21 snowmachines on was open country, lakes, high hills, lack
22 of brush and things like that. Do they run into many
23 animals in those kind of places or am I correct in my
24 assumption that the majority of the animals have a tendency
25 to stay in the areas that a majority of the snowmachiners
26 are not -- with their brand new fancy snowmachines, they
27 don't like to hit trees or brush.

28
29 MR. TOBEY: Mr. Chair, the moose tend to be
30 attitudinal migrators. As the snow increases they move
31 down more into the timber and onto the river bottom so
32 there's less impact with a lot of those on the moose.

33
34 The caribou really vary in their habits.
35 Some years, I've seen a lot of caribou wintering above he
36 Denali Highway, especially around the Tangles and
37 Thirteenmile Hill and places in there where they move
38 around on those windblown slopes to get at the lichens. So
39 the caribou stand a much higher chance of being disturbed
40 by recreational snowmachiners because that's also an area
41 that gets heavy -- you know out to the Tangles, gets heavy
42 recreational snowmachine use year-round -- year-round, from
43 the time they get the snow until it goes.

44
45 MR. DEMENTI: You know the caribou herd
46 here, Federal land is -- I'm looking at the map on Page 23,
47 there's hardly any Federal land here, most of that is State
48 land. And there is quite a big area around Cantwell,
49 that's where I'm from, and my personal feeling is I don't
50 want to eliminate winter hunt. I think we should just keep

00041

1 it as it is.

2

3 CHAIRMAN LOHSE: Okay, do you have any
4 questions for Bob, Gilbert?

5

6 MR. DEMENTI: No.

7

8 CHAIRMAN LOHSE: Okay. Do you have
9 anything further you'd like to share with us, Bob?

10

11 MR. TOBEY: Yes, Mr. Chair, like I said,
12 we're not -- the State doesn't really care about
13 eliminating the winter hunt, it's the cows that we're
14 interested in. I think there's one point I would like to
15 make here, is that, under the current harvest quota by the
16 State, the Federal harvest is going to jump to about a
17 third of the total caribou harvest so it's becoming a much
18 larger portion as the State really cuts back.

19

20 And I think the other thing that you have
21 to keep in mind is that although your Federal land is not
22 extensive, you do have the migration corridor of the
23 caribou herd between Sourdough and Paxson, and the potential
24 for -- with as many permits as you have out, the potential
25 for some rather large cow harvests exists, whether they
26 have or haven't in the past, the potential exists. And if
27 that herd was to go through there, which it has done in the
28 past, during the open season, the cow harvest could be
29 higher. And when you do crank in a much higher cow
30 harvest, it does have a dramatic effect on the extent of
31 the decline. So low cow harvests over a period of time,
32 not so important, but some high cow harvest, even one or
33 two years or high cow harvest can impact the rate of that
34 decline. So that's something that you should consider in
35 your deliberations.

36

37 CHAIRMAN LOHSE: Thank you. Public
38 testimony. Morris.

39

40 MR. EWAN: I want to speak about hunting
41 caribou because in fact a lot of people go out there with
42 snowmachines and run them down and I don't speak in favor
43 of what -- the hunt for caribou and another thing that I
44 know is that you guys talk about the predator. It seems
45 like you guys think the only predator around is wolf, but,
46 you know, I grew up and I went to school with two guides
47 here, up here in Gakona, Arly and Chuck MacMahonk, and they
48 keep me pretty well informed about, you know, bears. You
49 know, there's an over population of bears in that --
50 between Nabesna and Paxson and Mentasta. So I'd like to

00042

1 see, you know, take out more bears, too. Otherwise, I
2 don't have anything more to say on this subject.

3
4 Okay, thank you.

5
6 CHAIRMAN LOHSE: Morris, I missed our first
7 part. What did you say on the winter caribou hunt, did you
8 say you wanted to keep the winter caribou hunt or.....

9
10 MR. EWAN: No, I don't speak in favor of
11 it.

12
13 CHAIRMAN LOHSE: You don't speak in favor
14 of the winter caribou hunt?

15
16 MR. EWAN: Because there's guys that come
17 up here with snowmachines and run them down.

18
19 CHAIRMAN LOHSE: Okay. Fred.

20
21 MR. ELVSAAS: Are you talking about the
22 State hunt or the subsistence hunt?

23
24 MR. EWAN: The State.

25
26 MR. ELVSAAS: The State winter hunt?

27
28 MR. EWAN: Uh-huh.

29
30 MR. ELVSAAS: Thanks.

31
32 CHAIRMAN LOHSE: Written comments.

33
34 MS. WILKINSON: Okay. Mr. Don Quorberg of
35 Delta Junction supports this proposal as a way to prevent
36 taking of pregnant females.

37
38 The Upper Tanana Fortymile Fish and Game
39 Advisory Committee supports this proposal with an amendment
40 as follows: Due to the Nelchina Caribou Herd decline, our
41 advisory committee supports the provision to allow the
42 State and Federal Game Departments to correlate bag limit
43 and sex. We prefer a one bull caribou limit.

44
45 The Wrangell-St. Elias SRC opposes the
46 proposal stating that it is not likely to have a positive
47 affect on the herd but will have a negative affect on
48 subsistence users since 65 percent of the caribou taken by
49 Federal subsistence users are taken between October 21st
50 and March 31st.

00043

1 The Denali SRC opposes this proposal to say
2 local residents of Cantwell have a very limited opportunity
3 to hunt in Unit 13 under the State Tier II program due to
4 the complexities of the State system. Local rural
5 subsistence hunters would have a limited biological impact
6 on the caribou population. There's a limited amount of
7 Federal lands in Unit 13. The need to reduce non-
8 subsistence hunters from Federal lands before reducing
9 local rural subsistence hunter's opportunity.

10
11 And that's all the written comments.

12
13 CHAIRMAN LOHSE: Okay. And we have no
14 other oral comments. I think Morris is the only one that
15 put in on this. So it's time for a motion on the table if
16 we wish to consider this. The motion to accept Proposal 7,
17 at which point we can modify it, change it, vote it down is
18 in order. If I don't hear a motion it will die for lack of
19 action.

20
21 MR. ELVSAAS: What about the caribou
22 hunters here.

23
24 MR. JOHN: If we don't vote on it it just
25 stays as it is, two caribou?

26
27 CHAIRMAN LOHSE: We can modify it to that.
28 The proposal as written is that the winter hunt would be --
29 let me find it real quick. The proposal that's in front of
30 us is to shorten the season to August 10th, September 30th,
31 two caribou. If we put the proposal on the table, we can
32 modify it in any way we want. We can modify it to include
33 the October 21st through 31st, we could modify it to one
34 caribou, to two caribou, to one bull, to two bulls to the
35 way it is right now. We can put something on the record.
36 If we don't put it on the table, we can't put anything on
37 the record.

38
39 MR. ELVSAAS: As I understand it, in the
40 proposal -- to keep the winter hunt but make it bulls only
41 through the whole season, both fall and winter?

42
43 CHAIRMAN LOHSE: That's the Staff
44 recommendation.

45
46 MR. ELVSAAS: Yeah, okay.

47
48 CHAIRMAN LOHSE: We could put it on the
49 table and vote to leave it as it is right now if that's the
50 -- which seems to be the consensus of the Council. Or we

00044

1 could just take no action on it and then we haven't gone on
2 record as to what we feel should be done. So I'll leave it
3 up to the Council.

4
5 MR. DEMENTI: You mean we could make a
6 recommendation just to leave the regulation as is?

7
8 CHAIRMAN LOHSE: If we put it on the table.
9 Or I guess we could just make the motion to leave the
10 regulation as it is.

11
12 MR. ELVSAAS: You should move to the
13 proposal.

14
15 MS. WILKINSON: Yes.

16
17 CHAIRMAN LOHSE: Right, you have to move
18 for the proposal.

19
20 MR. JOHN: Okay.

21
22 MR. ELVSAAS: That's where I feel uneasy
23 about some of these motions is when you want to vote
24 against something and you make the motion. In an ordinary
25 sense you are supposed to support your motion, but in this
26 case you don't have to, so you can move to adopt the
27 proposal and then vote no.

28
29 CHAIRMAN LOHSE: I saw something at one of
30 the other Councils. I saw one of the other Councils when
31 something like this came up they moved to reject the
32 proposal as written and modify it and they made that as
33 part of their motion and that way they could support it.
34 Now, I've always been under the impression you have to move
35 in the affirmative and vote it down.

36
37 MR. JOHN: Yeah.

38
39 MR. ELVSAAS: Yeah.

40
41 CHAIRMAN LOHSE: But they moved in the
42 negative and I think Eastern Interior does that.

43
44 MS. WILKINSON: I don't know what Eastern
45 Interior does but I know the general practice is to make a
46 positive motion. And if you just make a motion to accept
47 the proposal.....

48
49 CHAIRMAN LOHSE: That puts it on the table.

50

00045

1 MS. WILKINSON:that puts it on the
2 table. And then you can do whatever you want to with it
3 and if you decide to take no action you can do that once
4 you've had the motion on the table.

5
6 CHAIRMAN LOHSE: Yeah.

7
8 MS. WILKINSON: And if you take no action,
9 it would be a good thing to state why you're taking no
10 action.

11
12 CHAIRMAN LOHSE: That way you get your
13 justification and your reasoning in front of the Board.

14
15 MR. ELVSAAS: Yes, I think that's the
16 important thing.

17
18 CHAIRMAN LOHSE: Right.

19
20 MR. ELVSAAS: We need to have something to
21 the Board.

22
23 CHAIRMAN LOHSE: Right.

24
25 MR. JOHN: Okay, I'm going to make the
26 Staff proposal -- I'm going to make a motion to bring the
27 Staff proposal to the.....

28
29 CHAIRMAN LOHSE: To the table?

30
31 MR. JOHN:to the table.

32
33 CHAIRMAN LOHSE: Okay. Motion's been made
34 to bring the Staff proposal to the table, is there a
35 second?

36
37 MR. ELVSAAS: Second.

38
39 CHAIRMAN LOHSE: It's been moved and
40 seconded. Okay, go ahead, Fred.

41
42 MR. ELVSAAS: I'd like to make an amendment
43 to that, I'd like to change the two bull to two caribou.

44
45 CHAIRMAN LOHSE: In other words, you'd like
46 to leave it as it stands -- as it currently stands.

47
48 MR. ELVSAAS: Yes.

49
50 CHAIRMAN LOHSE: Okay. Okay, do I hear a

00046

1 second to the amendment?

2
3 MR. DEMENTI: Second.

4
5 CHAIRMAN LOHSE: It's been moved to amend
6 the Staff proposal to leave the season as it currently is,
7 two caribou by Federal registration permit only. It's been
8 moved and seconded. Discussion.

9
10 MR. JOHN: Question.

11
12 CHAIRMAN LOHSE: Question's been called.
13 All in favor, signify by saying aye.

14
15 IN UNISON: Aye.

16
17 MR. JOHN: Can we take a break?

18
19 CHAIRMAN LOHSE: No, we're not done with
20 the -- we have to finish the proposal and then we can take
21 a break.

22
23 MR. JOHN: Okay.

24
25 CHAIRMAN LOHSE: Okay, then with the
26 amendment, nay's signify by saying nay.

27
28 (No opposing votes)

29
30 CHAIRMAN LOHSE: Motion carries. So our
31 proposal is now amended to leave it as it currently stands.
32 We need a discussion or question on the motion as amended.
33 Do I hear any discussion? Have we had the discussion?

34
35 (Laughter)

36
37 MR. DEMENTI: We've had enough.

38
39 MR. JOHN: Question.

40
41 CHAIRMAN LOHSE: Okay. Question's been
42 called. All in favor of the motion as amended, signify by
43 saying aye.

44
45 IN UNISON: Aye.

46
47 CHAIRMAN LOHSE: Opposed, signify by saying
48 nay.

49
50 (No opposing votes)

00047

1 CHAIRMAN LOHSE: Motion carries.
2 Justification. The justification would be the same as the
3 SRC's have, wouldn't it?

4
5 MR. JOHN: Yeah.

6
7 MR. DEMENTI: Yes.

8
9 CHAIRMAN LOHSE: That we feel that the
10 impact would be a reduction in opportunity -- wouldn't have
11 that big of an impact on the herd. I have to go along with
12 Tobey, that if things would change and all of a sudden the
13 caribou were accessible in the fall season, with the amount
14 of permits that we have out, we could have an impact. At
15 that point in time it's time to make some changes.

16
17 Okay, let's take a break.

18
19 (Off record)

20
21 (On record)

22
23 CHAIRMAN LOHSE: Okay, we'll call this
24 meeting back to order. We're on Proposal 9. And this is
25 submitted by Bob Stockwell, Cooper Landing for a positive
26 customary and traditional use determination for grouse and
27 ptarmigan for residents of Unit 7 and 15 in Units 7 and 15.
28 We've done a little talking over the break and one of the
29 things that we've decided is that if Council members would
30 prefer to make a motion in the negative or a motion to
31 oppose something, instead of always having to make a motion
32 in the positive, that's totally acceptable. So we, as a
33 Council could switch to that if we'd like. In other words,
34 you can make a motion in the way that you would like to go.
35 Does that sound acceptable to the rest of the Council?

36
37 MR. ELVSAAS: In other words, I move not to
38 accept to Proposal 7?

39
40 CHAIRMAN LOHSE: You could move that
41 way, yes. It's done in other Councils and it's acceptable
42 with the fact that we don't follow Robert's Rules of Order
43 strictly. That it's supposed to be for our convenience and
44 our understanding. And if that would make people more
45 comfortable, we could make motions then in the way that we
46 would like to go instead of just moving blindly to accept
47 them. It's up to the rest of the Council. We could work
48 it either way. But if a person's more comfortable in
49 making a motion in the negative we'll allow them to make a
50 motion in the negative.

00048

1 MR. ELVSAAS: Sounds good to me if we can
2 do it.

3
4 MR. JOHN: Yeah.

5
6 CHAIRMAN LOHSE: We can do it. We have the
7 leeway to do it, if that's how this Council wishes to
8 operate. Okay, Proposal 9, which requests a positive and
9 customary traditional use determination for grouse and
10 ptarmigan for residents of Unit 7 and 15 in Units 7 and 15.
11 Staff analysis, Staff presentation.

12
13 MS. PETRIVELLI: Thank you, Mr. Chairman.
14 My name is Pat Petrivelli and I'm the anthropologist for
15 the Southcentral region. As you mentioned, Bill Stockwell
16 submitted this proposal of Cooper Landing. He originally
17 requested a customary and traditional use determination for
18 all species of grouse and ptarmigan for residents of Units
19 7 and Unit 15 in Unit 15, in addition to revisions in Unit
20 7 which would make the determinations consistent for these
21 two units. The request would have provided for the
22 recognition of the inadvertent use of ruffed grouse in Unit
23 15 by residents of both 7 and 15. And Mr. Stockwell later
24 modified his request limiting it to just spruce grouse in
25 both units. Proposal 9(B) deals with the changes in
26 seasons and harvest limits.

27
28 The existing regulations for grouse and
29 ptarmigan in Unit 7 has no determination so that means that
30 all rural residents are eligible. And for Units 15, the
31 existing determination for grouse was just for spruce
32 grouse and it had a positive C&T for rural residents of 15
33 and for ptarmigan, for rural residents of 15 only. And for
34 ruffed grouse in Units 15 there was no Federal subsistence
35 priority.

36
37 In Unit 7 the public lands are the Chugach
38 National Forest, the Kenai National Wildlife Refuge and
39 then the Kenai Fjords National Park, which is closed to
40 subsistence uses, well, just the Park. And in Unit 15, the
41 Federal public lands includes the Kenai National Wildlife
42 Refuge.

43
44 The original -- as I mentioned for 15, the
45 determinations were changed just limited it in -- well, in
46 1997, to just the residents of 15. In 7, those
47 determinations were retained from the State accept --
48 originally and then they were modified to have -- well,
49 just to have rural resident -- well, no determinations.
50 With the request now, what Mr. Stockwell was proposing is

00049

1 to have customary and traditional use determinations in 7
2 and 15 for the residents of Unit 7 and 15 only.

3
4 We looked at -- we included the use --
5 looking at the use for Whittier, even though Whittier is in
6 Unit 6(D), just because they have used ptarmigan, grouse in
7 those units so that's what the proposal request looked at
8 and we used the data from ADF&G. So the communities that
9 we're looking at are the communities of Unit 7, which are
10 Cooper Landing, Crown Point, Hope, Moose Pass, Primrose,
11 Seward and Whittier -- or Seward and then Whittier also,
12 which isn't located in Unit 7 but was a user of the
13 resource and was eligible under the no determination
14 previously.

15
16 The only ADF&G studies that have been done
17 were for Cooper Landing, Hope and Whittier and they were
18 done in 1990. The Forest Service is currently doing a
19 study for Seward but those results will be available later.
20 What the studies have shown is on Page 40, the table
21 showing the level of grouse and ptarmigan. Then there's a
22 map of Unit 7 and 15 just to show the locations of the
23 communities. But for Cooper Landing, well, for those three
24 communities that we do have data for, grouse has been used
25 by eight to 33 percent of these households and ptarmigan
26 has occurred -- use of ptarmigan has occurred in 17 to 30
27 percent of the households during the study year.

28
29 In general ADF&G studies have shown that
30 game basically plays an important role in local subsistence
31 economies. And what they -- while their household studies
32 don't show -- like it doesn't show specifically where
33 people hunted it just shows that people do use grouse and
34 ptarmigan and game birds as part of their subsistence
35 diets. On Page 42, it shows the total number of grouse and
36 ptarmigan used by those three communities and those numbers
37 range from 88 grouse in Hope to 349 ptarmigan in Hope. So
38 those -- the birds traditionally were used for food,
39 clothing and decoration and now they're in the present day
40 communities are used for food. The pattern of use has been
41 generally year-round. The Fish and Game study shows that
42 it occurs from August until December in Cooper Landing and
43 Hope for grouse and ptarmigan is harvested September
44 through February. The methods and means used have been in
45 the past with bows and arrows, nets or snares and today
46 they're used with rifles, shotguns or bows. And of course
47 the area is just -- there's no -- it's generally near the
48 community. Ptarmigan or grouse meat is eaten fresh or
49 preserved by freezing. Then the pattern of use with
50 sharing, studies have shown that in many communities

00050

1 hunting small birds or animals is among the first
2 subsistence activities engaged in by young boys and so it's
3 generally an activity passed on to the younger generations.
4 Sharing, the tables on Page 44, Table 4, shows the percents
5 of sharing for the three communities. And then the last
6 factor, number 8, showing the different resources used in
7 the communities. We have data for Cooper Landing and
8 Whittier have about eight -- and average number of eight
9 different kinds of resources used for subsistence and Hope
10 has nine different kinds of resources.

11
12 The preliminary conclusion is that there
13 should be a positive C&T for rural residents of 7 and 15
14 and residents of Whittier for Units 7, grouse and for Units
15 15 grouse, and then this is all spruce grouse, Units 7 and
16 15 and residents of Whittier. And for Units 7 and 15,
17 ptarmigan, all species, the rural residents of Units 7 and
18 15 and residents of Whittier.

19
20 And that's -- there was, with discussion of
21 the ruffed grouse, it was such a recently introduced
22 species the past five years that that was left out, but
23 there was documentation of the use of ptarmigan and spruce
24 grouse by the residents of those communities.

25
26 CHAIRMAN LOHSE: Pat, can I ask you a
27 question?

28
29 MS. PETRIVELLI: Uh-huh.

30
31 CHAIRMAN LOHSE: My understanding of this
32 is that this is actually a -- in a way this is a limiting
33 proposal? This currently, grouse and ptarmigan are a C&T
34 for all rural residents, it's not a defined C&T so it's
35 open to all rural residents and this basically says that
36 rural residents of Units 7 and 15 have customary and
37 traditional in 7 and 15?

38
39 MS. PETRIVELLI: Yeah. It would be a
40 limiting proposal for Unit 7.

41
42 CHAIRMAN LOHSE: Not for 15?

43
44 MS. PETRIVELLI: Unit 15 has been limited
45 since 1977.

46
47 CHAIRMAN LOHSE: Okay, so Unit 15 is
48 already limited to residents of Unit 15 and 7?

49
50 MS. PETRIVELLI: No, just to Units -- Unit

00051

1 15 current customary and traditional use is only for
2 residents of Unit 15.

3
4 CHAIRMAN LOHSE: So it would be expanding
5 Unit 15.....

6
7 MS. PETRIVELLI: To 7.

8
9 CHAIRMAN LOHSE:to 7, and
10 limiting.....

11
12 MS. PETRIVELLI: 7.

13
14 CHAIRMAN LOHSE:to residents of Unit
15 15 and 7.

16
17 MS. PETRIVELLI: Plus Whittier.

18
19 CHAIRMAN LOHSE: Plus Whittier.

20
21 MS. PETRIVELLI: Yeah.

22
23 CHAIRMAN LOHSE: Now, would Whittier also
24 be in Unit 15?

25
26 MS. PETRIVELLI: Yes.

27
28 CHAIRMAN LOHSE: Okay, any other questions
29 for Pat? This is your country, Fred.

30
31 MR. ELVSAAS: I'm very confused as to all
32 the various types of grouse. I hunt grouse. I hunt
33 ptarmigan.

34
35 MS. PETRIVELLI: Uh-huh.

36
37 MR. ELVSAAS: We only have the one spruce
38 grouse. We don't have the others around.

39
40 MS. PETRIVELLI: Okay.

41
42 MR. ELVSAAS: And I don't know that anybody
43 in my area would know the difference if they saw a
44 different.....

45
46 MS. PETRIVELLI: Blue and sharp-tailed
47 grouse don't occur on the Kenai Peninsula at all. And what
48 happened with why they were included in Unit 7 was because
49 when the -- the State used to have a blanket determination
50 for grouse and they had a whole bunch of units and it just

00052

1 said grouse and it said, spruce, ruffed, sharp and blue-
2 tailed, and they were just all lumped together. And in
3 1997 the regulations were cleaned up for Unit 15 with the
4 recognition that just spruce grouse occurred in 15, but
5 Unit 7 was left alone and so it was left with that big
6 blanket determination. So we're kind of housecleaning it
7 down to what species occur. Ruffed grouse were introduced
8 in '95 to the Kenai Peninsula and in the State regulations
9 book, it has a little picture of what is ruffed and what is
10 spruce.

11
12 CHAIRMAN LOHSE: So this proposal only
13 includes spruce, though, right?

14
15 MS. PETRIVELLI: It only includes -- well,
16 the recommendation only includes spruce.

17
18 CHAIRMAN LOHSE: The recommendation.

19
20 MS. PETRIVELLI: He did ask for ruffed
21 grouse but after some input from the biologist, it got
22 limited back to just spruce until the ruffed grouse
23 population expands some more.

24
25 MR. ELVSAAS: Could you tell me where they
26 were introduced, in the Seward area, Kenai, Soldotna?

27
28 MS. PETRIVELLI: Dan LaPlant remembers.

29
30 CHAIRMAN LOHSE: Okay.

31
32 MR. LaPLANT: Mr. Chairman, I don't know
33 the specific locations but they were introduced on the
34 Kenai National Wildlife Refuge and they were released,
35 actually over a three year period, '96, '97 and '98. I
36 think some of them were released in the Cooper Landing area
37 and some in the Sterling area.

38
39 MR. ELVSAAS: Basically 15(A) and (B) then?

40
41 MR. LaPLANT: 15(A).

42
43 MR. ELVSAAS: 15(A).

44
45 MR. LaPLANT: Both in 15(A).

46
47 MR. ELVSAAS: That's -- you know, in my
48 lifetime in Seldovia, we've only had one -- one grouse and
49 I'm not sure I'd be able to tell the difference,
50 especially, you know, you see one in a tree and a grouse is

00053

1 a grouse. And you see ptarmigan out on the field or in the
2 bushes and there they are.

3

4 MR. LaPLANT: South of Unit 15(A), that's
5 all that is on the Kenai Peninsula is spruce grouse.

6

7 CHAIRMAN LOHSE: Okay, any other questions.
8 Alaska Department of Fish and Game.

9

10 MS. WILKINSON: The comments are deferred
11 pending the review of the Staff analysis, however blue and
12 sharp-tailed grouse are not present on the Kenai Peninsula
13 and ruffed grouse were relocated there in the '90s. These
14 points should be taken into account in the eight factor
15 analysis. That's the ADF&G comments.

16

17 I don't know how you want to do that, they
18 have -- ADF&G comments for C&T portion and also for subpart
19 D. But for the rest of the written comments, they're all
20 for the proposal.

21

22 CHAIRMAN LOHSE: What is subpart -- subpart
23 B you mean?

24

25 MS. WILKINSON: D, for ADF&G comments. The
26 Department supports the Federal seasons and bag limits for
27 spruce grouse and ptarmigan that are consistent with the
28 State seasons and bag limits and species -- excuse me, for
29 these species in Units 7 and 15.

30

31 CHAIRMAN LOHSE: Okay. So we're on the
32 first part, we're on portion A, which is the C&T.

33

34 MS. WILKINSON: Uh-huh.

35

36 CHAIRMAN LOHSE: We have no written
37 comments.

38

39 MS. WILKINSON: Yes, we do.

40

41 CHAIRMAN LOHSE: We have written comments,
42 okay.

43

44 MS. WILKINSON: The Cooper Landing Fish and
45 Game Advisory Committee supports the proposal as modified
46 in the draft Staff analysis for spruce grouse and ptarmigan
47 in Unit 7 and 15 only. It opposes customary and
48 traditional use determination for ruffed grouse in Unit 7
49 and 15 because they are not indigenous to the area, nor do
50 they support any open season on ruffed grouse.

00054

1 CHAIRMAN LOHSE: Okay.

2
3 MS. WILKINSON: That's all.

4
5 CHAIRMAN LOHSE: That's all the written
6 comments. And we have no request for public comments. So
7 a motion to accept or -- a motion on this proposal,
8 Proposal 9a, C&T determination for Unit 7 and 15 in Units 7
9 and 15 is in order if we want to go any farther with this.

10
11 MR. ELVSAAS: We're talking about C&T at
12 this time?

13
14 CHAIRMAN LOHSE: This is C&T.

15
16 MR. ELVSAAS: All right, I would move to
17 approve the C&T.

18
19 CHAIRMAN LOHSE: Do I hear a second?

20
21 MR. JOHN: I second it.

22
23 CHAIRMAN LOHSE: It's been moved and
24 seconded to approve the C&T portion of this proposal. Was
25 that as originally put in or as recommended by the Staff?

26
27 MR. ELVSAAS: As recommended by the Staff.

28
29 CHAIRMAN LOHSE: Okay, that leaves out
30 ruffed grouse then?

31
32 MR. ELVSAAS: Right.

33
34 CHAIRMAN LOHSE: Okay. Discussion.

35
36 MR. ELVSAAS: Mr. Chairman, I got to tell
37 you I have no idea how many ruffed grouse there are in Unit
38 15, and I would feel very uneasy if the population was to
39 expand and people did take the grouse and all of a sudden
40 we have a violation because of a -- a species is introduced
41 into what is normally a customary and traditional hunt.
42 You're hunting grouse, people have done it for centuries
43 and all of a sudden somebody brings in a strange species
44 and says, wait a minute, now you're in violation. The
45 people that hunt grouse are doing it for food, not for fun.
46 And that part bothers me. I don't know the size of the
47 population and whether it will grow or not, even still I
48 will go with that proposal. We may have to address it at a
49 later date. Hopefully the Kenai Peninsula, Unit 15 will be
50 overrun with them.

00055

1 (Laughter)

2
3 CHAIRMAN LOHSE: They're good eating. Any
4 other comments? I guess basically what you're saying,
5 though, is the people of the Kenai Peninsula have used
6 grouse and ptarmigan for as far back as you can go. I go
7 along with what Pat said, it's usually the first game
8 animal that all boys and girls take from a subsistence
9 standpoint. And I know that my children took them with
10 some of the same old primitive means that are mentioned
11 back here, they threw rocks at them.

12
13 MR. ELVSAAS: Yes, that's what we did.

14
15 CHAIRMAN LOHSE: So I don't think we have
16 much disagreement as far as the grouse or the ptarmigan
17 having been used by the people of Unit 15 and 7. Like I
18 said, it does limit 15 and 7 to 15 and 7 for C&T and.....

19
20 MR. ELVSAAS: And Whittier.

21
22 CHAIRMAN LOHSE: Uh?

23
24 MR. ELVSAAS: And Whittier.

25
26 CHAIRMAN LOHSE: And Whittier, right. So
27 in other words the people who live there, which people
28 normally don't travel a long ways to get grouse, it's
29 something that you take in your back yard. So is there any
30 other discussion on this proposal?

31
32 MR. JOHN: Call for the question.

33
34 CHAIRMAN LOHSE: The question's been called
35 for. All in favor of the motion to accept the C&T
36 determination as modified by the Staff to include spruce
37 grouse and ptarmigan for residents of Units 7 and 15 and
38 Whittier in Units 7 and 15, signify by saying aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN LOHSE: All opposed, signify by
43 saying nay.

44
45 (No opposing votes)

46
47 CHAIRMAN LOHSE: Motion carries. Now, we
48 go onto Proposal 9b. The current regulation reads, 15 per
49 day, 30 in possession from August 10th through March 31st;
50 no open season on ruffed grouse; August 10th through March

00056

1 31st, 20 per day, 40 in possession for ptarmigan; rock,
2 willow and white-tailed; and in 15, it's 20 per day, 40 in
3 possession. The proposed regulation would read August 10th
4 through March 31st, 10 per day, 20 in possession for grouse
5 and ptarmigan would be 10 per day, 20 in possession. The
6 proponent claims that these reduced harvest limits although
7 still adequate to provide ample harvest opportunity for all
8 grouse and ptarmigan subsistence users will provide
9 adequate protection from an increasing population of both
10 sport and subsistence hunters.

11
12 So this is a proposal to cut the bag limits
13 from 15 per day, 30 in possession for grouse and 20 per
14 day, 40 in possession for ptarmigan to 10 per day, 20 in
15 possession for grouse and 10 per day and 20 in possession
16 of ptarmigan.

17
18 Pat. Oh, wrong person. Dan.

19
20 MR. LaPLANT: Thank you, Mr. Chairman. As
21 you stated this a proposal that was submitted by Bill
22 Stockwell of Cooper Landing, and for those who might want
23 to follow along here this analysis begins on Page 48 of the
24 book. And one other issue to point out in your summary is
25 that the proposal to change the seasons also includes
26 liberalizing the season for ptarmigan in Unit 15(C), the
27 winter portion of the season. Currently it is set at five
28 per day, 10 in possession, the winter portion of it. And
29 this proposal recommends that it be increased to 10 per
30 day, 20 in possession. The result would be all of Unit 7
31 and 15 would have a consistent ptarmigan season.

32
33 Again, the proponent states that the
34 current regulations are more complicated and they don't
35 provide the necessary resource conservation.

36
37 Now, the current regulations that we have
38 right now under the Federal Subsistence program were
39 adopted from State regulations in 1990 and they've remained
40 pretty much the same since with one significant change. In
41 1997, the Federal regulations removed references, as Pat
42 pointed out already, references to blue grouse and sharp-
43 tailed grouse in Unit 15 and they also listed ruffed-
44 grouse as having no open season for the reasons stated.
45 And as I already said, ruffed grouse were just introduced
46 and were not considered to be a healthy population with a
47 harvestable surplus.

48
49 Actually the survey that was done on ruffed
50 grouse here most recently last spring, they found, I think

00057

1 two drumming males present in Unit 15(A). So basically
2 what you can say about ruffed grouse on the Kenai Peninsula
3 is there's still some there but there's not a harvestable
4 population at all.

5
6 What the Fish and Game Department did in
7 establishing their seasons was they set up the harvest
8 limit of one ruffed grouse per day, two in possession.
9 With the logic being that if somebody did shoot a ruffed
10 grouse by mistake, they wouldn't be penalized for it. They
11 also put a diagram of ruffed grouse and spruce grouse tail
12 feathers in the regulation book so that if someone did
13 shoot one they would be able to look at the diagram and be
14 able to distinguish between a ruffed grouse and a spruce
15 grouse, know that they had taken a ruffed grouse and avoid
16 shooting any more. So again, the possession -- the harvest
17 limit and possession limit was one per day, two in
18 possession.

19
20 I guess that feature would also apply to
21 anyone hunting under the Federal subsistence rules if they
22 did shoot a ruffed grouse by mistake, they could claim that
23 under the State regulation and be protected from a
24 violation.

25
26 State regulations were changed for
27 ptarmigan in 1997. They were reduced from the previous 20
28 per day, 40 in possession and reduced it down to 20 in
29 possession, 10 per day, and they made that uniform
30 throughout Southcentral, all road system units, Units 7,
31 11, 13, 14, 15, and 16. And so that change was made by the
32 State in 1997. In 1999, the State made changes to spruce
33 grouse -- well, that's when they permitted the ruffed
34 grouse bag limit also of that one per day, two in
35 possession, but they made those changes in 1999, they
36 reduced the spruce grouse down to 10 per day and 20 in
37 possession.

38
39 Grouse populations have been declining on
40 the Kenai Peninsula probably for two major reasons. One is
41 habitat loss, spruce bark beetle infestation has removed a
42 lot of the mature white spruce trees that spruce grouse
43 depend upon and, of course, there's more hunting pressure,
44 at least, along the road system now for spruce grouse as a
45 result of higher human population. Kenai National Wildlife
46 Refuge conducted some studies, population studies of spruce
47 grouse. Back in 1966 to 1970, they set up a transect along
48 the Swan Lake Road and during that time period they
49 averaged .6 grouse per kilometer, so that was sort of the
50 standard of comparison. Throughout the 1990s, they

00058

1 conducted the same surveys and they were finding .3 grouse
2 per kilometer, so a drastic reduction there, a reduction of
3 50 percent. Along the Swanson River Road, they were
4 finding .1 grouse per kilometer. So again, significant
5 reduction in spruce grouse population. In the Skilak Loop
6 management area, where grouse hunting is restricted to bow
7 and arrow only, there's an indication that there's going to
8 be a lot less hunting pressure they're finding .7 grouse
9 per kilometer. So that population has not seen the effects
10 -- which is probably not as heavy harvest as the other
11 areas of Unit 15(A) has.

12
13 So again, the reduction is probably due to
14 hunting pressure -- increased hunting pressure as well as
15 habitat loss.

16
17 The other thing I'd like to point out is
18 that grouse are an important prey species for raptors and
19 for lynx, and we'll talk about our lynx proposal here a
20 little bit later, but lynx rely on snowshoe hare
21 populations. Snowshoe hare populations fluctuate greatly.
22 As the snowshoe hare populations go down, the lynx revert
23 to the harvesting of spruce grouse to maintain their
24 populations. So there's benefit of maintaining a healthy
25 grouse population, not only for human consumption,
26 subsistence uses, but also for maintaining lynx populations
27 as well.

28
29 Now, we don't have any ptarmigan studies in
30 the Kenai Peninsula but we do know that access has
31 increased considerably to different areas. A lot more use
32 of snowmachines and ATVs so people are getting to ptarmigan
33 habitat more easily now so there's probably quite a bit
34 more pressure on ptarmigan populations. Back in 1997, the
35 Board of Game meeting, there was quite a bit of testimony
36 about the drastic declines of ptarmigan in the Homer area
37 where people were getting into areas with ATVs and
38 snowmachines where they hadn't before and the populations
39 once -- once the population of ptarmigan declined during
40 their normal cyclic changes, they were not being able to
41 recover as fast because of that extra hunting pressure by
42 folks that are getting out into these areas with
43 snowmachines and ATVs.

44
45 But we have no harvest data at all for
46 grouse and ptarmigan in Units 7 and 15, so we're going
47 basically upon that survey of population of spruce grouse
48 and the fact that we know there's a lot more access to
49 areas now than there was before.

50

00059

1 The effect of the proposal would be to
2 provide the needed reduction in harvest limits to provide
3 this conservation that's needed for both grouse and
4 ptarmigan. It aligns with the State regulations. I guess
5 the most significant benefit of that is it provides less
6 confusion to hunters when there is consistent seasons and
7 bag limits between both Federal and State. And if both are
8 managing for the conservation of the species, alignment has
9 that benefit of reducing the confusion.

10
11 The proposal does increase the season in,
12 as I stated before, in 15(C), the winter season -- excuse
13 me, not the season, it increases the harvest limit. But
14 all the other aspects of this proposal decrease the harvest
15 limit.

16
17 The proponent had originally recommended
18 that spruce grouse by identified and a harvest limit set
19 but we've provided him with this draft analysis and he's
20 agreed that it probably isn't appropriate to have spruce
21 grouse.....

22
23 CHAIRMAN LOHSE: You mean ruffed grouse?

24
25 MR. LaPLANT: Excuse me, I mean ruffed
26 grouse, yes. Thank you. It's not appropriate to have a
27 season for ruffed grouse so he's in agreement with that.

28
29 So our preliminary conclusion is to modify
30 the original proposal to identify a no open season for
31 ruffed grouse and to remove all references to blue grouse
32 and sharp-tailed grouse in Unit 7 and we are also
33 recommending that the Federal regulations add a diagram of
34 the tail of ruffed grouse and spruce grouse like the State
35 regulations have, so that if someone does shoot a ruffed
36 grouse by mistake, they'll at least be able to identify it
37 and know what they have and try to avoid shooting any
38 additional ones.

39
40 So that is our preliminary recommendations.
41 Thank you.

42
43 CHAIRMAN LOHSE: Any questions.

44
45 MR. ELVSAAS: Mr. Chairman.

46
47 CHAIRMAN LOHSE: Fred.

48
49 MR. ELVSAAS: Do you mind if I ask the
50 audience their preference on the numbers? We've got a lot

00060

1 of people from Unit 15 here.

2

3 CHAIRMAN LOHSE: Yeah, I don't see anything
4 -- I have some questions to ask him, too, so if you want to
5 ask the audience, then.....

6

7 MR. ELVSAAS: Well, no, I don't have any
8 questions for him, sorry, thank you. But I will have.....

9

10 CHAIRMAN LOHSE: That's more than -- don't
11 run off. Now, this, we're talking about on Federal lands
12 right here, right?

13

14 MR. LaPLANT: Correct, yes.

15

16 CHAIRMAN LOHSE: In Unit 15 and 17, that's
17 a fairly.....

18

19 MR. LaPLANT: 7.

20

21 CHAIRMAN LOHSE:limited amount of
22 land with a fairly limited amount of roads, isn't it?

23

24 MR. LaPLANT: No. Units 15 and 7, Unit 15
25 is primarily the Kenai National Wildlife Refuge and a large
26 percentage of Unit 7 is the Chugach National Forest.

27

28 CHAIRMAN LOHSE: Okay.

29

30 MR. LaPLANT: So the majority of these
31 units are Federal public lands.

32

33 CHAIRMAN LOHSE: Now, how about the Skilak
34 Loop thing, is that Federal or is that.....

35

36 MR. LaPLANT: That is Federal lands.

37

38 CHAIRMAN LOHSE: That's Federal. And you
39 said that that's bow and arrow only for grouse on there,
40 but does that apply to subsistence hunting also?

41

42 MR. LaPLANT: Yes -- no, I don't believe
43 that does apply for subsistence, it's a State regulation.

44

45 CHAIRMAN LOHSE: So in other words, the
46 State hunter on Skilak Loop trail needs to use a bow and
47 arrow but a subsistence hunter can use a rifle, shot -- gun
48 or.....

49

50 MR. LaPLANT: I believe that's correct,

00061

1 yes.

2

3 CHAIRMAN LOHSE: Okay. You mentioned that
4 grouse are cyclic, and I can remember reading a study by
5 the state of Minnesota which has a lot higher population of
6 people and they basically came down to the conclusion --
7 now, this is a number of years ago and maybe that's been
8 revised, but they basically came down to the conclusion
9 that hunting by humans had no effect on the cycle and that
10 it wasn't worthwhile trying to adjust the seasons to match
11 the cycles because when the grouse cycle went down, hunting
12 pressure took less birds and when the cycle came back up
13 the birds cycled back whether there was hunting pressure or
14 not. It's possible that that studies been refuted since
15 then but is it -- to me, I look at grouse and just like
16 your thing says, most of the grouse are shot along gravel
17 roads in fall, some of them are shot along beaches and the
18 creek bottoms, we know that, but they're shot where there's
19 gravel and occasionally somebody out trapping will run into
20 some in a tree, or out moose hunting will run into some in
21 a tree, but the thing is they're mostly shot in very
22 accessible areas but they also live in the areas that are
23 not accessible so you've always got a buffer, you've got a
24 breeding buffer in the background. I mean I look at like
25 our area out there, they're hunted along the road corridor
26 but you got 30 miles in both directions on both sides of
27 the road corridor where they're not hunted. So no matter
28 how many you shoot off of the road, you still got your
29 breeding stock back in the hills. And I just was wondering
30 what your thoughts on that is?

31

32 MR. LaPLANT: Well, I agree, that's --
33 that's certainly a factor to consider. I think that
34 probably the major influence here on the Kenai Peninsula is
35 the spruce bark beetle and the killing off of white spruce
36 trees.

37

38 CHAIRMAN LOHSE: Uh-huh.

39

40 MR. LaPLANT: I think we have an overall
41 habitat reduction. I think there is an impact from harvest
42 on the roads as we can look at the difference between what
43 they're finding on the Skilak Loop Road as compared to Swan
44 Lake Road, but that population away from the road does come
45 back in and fill in. But I think habitat loss from spruce
46 bark beetle, from the studies that have been done on the
47 Kenai Refuge indicate that there is an overall reduction --
48 a high probability that there's an overall reduction in the
49 population. And the more the harvest is minimized, the
50 easier it is going to be to respond to that when it cycles

00062

1 around again. Probably not as important as the cycle
2 itself, but I think it has some effect.

3
4 CHAIRMAN LOHSE: Well, wouldn't the hundred
5 or 200 year cycle on the timber, that's part of the -- you
6 know, when you look at cycles, there's cycles within the
7 cycles, I don't know -- I know back when I was a kid I know
8 they figured grouse had like a seven year cycle and that's
9 kind of what we see out where we live, the grouse cycle
10 doesn't correspond with the rabbit cycle, the rabbit cycle
11 comes out pretty close to 10 years, the grouse cycle comes
12 out pretty close to seven years, so you have a seven year
13 cycle. But you have both cycles override the predator
14 population, the hunting population and everything else, but
15 at the same time you've got the cycle of the trees and we
16 know that, you know, in 100 years white spruce is either
17 going to get beetles or fire, one or the other, and so
18 that's just part of the environmental cycle around them.

19
20 I guess what I'm asking is if that kind of
21 stuff is going on, like with the trees, the taking of more
22 or less grouse is not going to -- you can't keep the
23 population of grouse high when the habitat goes down. And
24 you can't keep the population of grouse high by not
25 harvesting at the low part of the cycle because when the
26 cycle comes back, grouse come back. Now, if the habitat's
27 down, those cycles are going to be smaller. As the habitat
28 improves those cycles get bigger.

29
30 MR. LaPLANT: Sure.

31
32 CHAIRMAN LOHSE: They still crash down to
33 nothing. I mean when the cycle is low, last year you took
34 lots of grouse, this year, the population -- I'll use our
35 road for an example. Last year, the population was -- if
36 you would have driven the road in the morning and you drove
37 a 10-mile stretch, you'd have seen 30 to 50 grouse in the
38 fall. This year you can drive the same 10 miles worth of
39 road, they haven't been hunted, they haven't been shot off
40 but in that same 10 miles of road you're going to see five
41 grouse. So the cycle affects the population of grouse on
42 the road more than the hunting pressure does.

43
44 So I guess what I'm asking is, from a
45 subsistence standpoint, what do we gain, other than
46 aligning it with the State season, the State bag limits, by
47 reducing the bag limit on grouse and ptarmigan, because if
48 the grouse and ptarmigan aren't there people aren't going
49 to take as many of them and if the cycle is there people
50 are going to take more of them; and do we actually affect

00063

1 the grouse and the ptarmigan population? The study of
2 Minnesota said it didn't and so they just left -- they just
3 left it to go through the low cycles and the high cycles
4 with a lot higher hunting pressure than we have here.

5
6 MR. LaPLANT: Well, overall, I guess I have
7 to agree. The cycle is more dominate than anything else,
8 but the only harvest -- or excuse me, the only management
9 tool we have in this area is adjusting the overall harvest.
10 And knowing that the population is going to go down, it's
11 going to naturally cycle down, reducing the harvest as it's
12 trying to rebound will allow it to rebound that much
13 faster, so that's a management influence that we can
14 implement. There's much more drastic reductions that could
15 be made, but I think the reduction that's been recommended
16 here is probably not that drastic. We're still
17 recommending a 10 per day, 20 in possession limit. So that
18 reduces the possibility somewhat of the population being
19 hit real hard as it's trying to rebound and it will allow
20 it to rebound a little bit faster. We don't have the
21 studies to back that up, no, we don't. It's just a
22 management philosophy. It's very similar to managing a
23 caribou herd. As the caribou population fluctuates up and
24 down, managing the harvest is one of the few tools we have
25 and by reducing the harvest when the population is low, it
26 allows it to rebound it faster and try to minimize the
27 valleys and the hills in the population cycle and maintain
28 it as stable as possible. But there are factors going on
29 that we don't completely understand and that cyclic nature
30 of the population continues on and we can't do much about
31 it.

32
33 CHAIRMAN LOHSE: I can see it with the
34 caribou because of the size of the animal and the more
35 vulnerability but it'd be like trying to -- to me, to try
36 to even out the hills and the valley in the grouse and the
37 ptarmigan would be like trying to even out the hills and
38 the valleys in the snowshoe hare population, and I've
39 watched that go from total to high population to where you
40 watch them run down the road kick over on their back, kick
41 their feet in the air and die in front of you and next year
42 there aren't any of them. And it doesn't matter whether
43 you shot any that year, whether you trapped any that year,
44 whether you killed any that year, the next year there
45 aren't any of them but 10 years from now, maybe the cycle
46 won't be as high because that's dependent on environmental
47 conditions and each cycle is going to be at a different
48 height.

49
50 What I'm wondering is, is it worthwhile

00064

1 trying to micro-manage something like grouse and rabbits?
2 You know, is it worthwhile to go through the effort of
3 liberalizing seasons and closing seasons now when the take
4 of both animals is going to be dependent on the population
5 level of them? If there's not very many grouse nobody's
6 going to go out and drive the road and look for grouse in
7 the morning and they're definitely not going to say, oh,
8 there's no grouse along the road so I'm going to hike five
9 miles back in and get that breeding population that's
10 sitting five miles back in.

11

12 (Laughter)

13

14 CHAIRMAN LOHSE: Where if the caribou were
15 five miles back in, half the state will go for it. So
16 that's what I'm asking you about, it's a philosophical
17 question, is it worthwhile even -- do you see any net gains
18 seven years from now when the cycle comes back up if you
19 don't take them now?

20

21 MR. LaPLANT: To answer your question, I
22 guess, I could see some minimal gains, yes. I don't see
23 any drastic gains being made by doing this, but a minimal
24 gain is a gain. And, you know, there's more drastic
25 measures that could be taken, this is what was proposed by
26 Mr. Stockwell and this is what we -- the assessment that we
27 made of it. But you can see it as a gain, but not a major
28 gain, no.

29

30 CHAIRMAN LOHSE: Any other questions?

31 Fred.

32

33 MR. ELVSAAS: Do you know of many instances
34 where people have faxed out on the limit, on the take?

35

36 MR. LaPLANT: The only reference I have
37 there is that testimony that was given back in '97 to the
38 Board of Game where folks talked about maximizing their
39 harvest in the Homer area for ptarmigan when it was -- when
40 populations were healthy they pretty much had their way
41 with the ptarmigan in that area and the population crashed
42 pretty dramatically and was slow to recover.

43

44 But, no, the Department of Fish and Game
45 and the Fish and Wildlife Service has not taken any steps
46 to actively monitor the harvest of grouse so we don't have
47 any of that data.

48

49 MR. ELVSAAS: Well, I have hunted them all
50 my life and I have never gotten more than four or five on

00065

1 an average. And I know in regards to Homer, you have to
2 remember where the Homer airport is now was the great
3 wintering grounds for the moose, ptarmigan and spruce hens,
4 it was all through that area there where now there are
5 subdivisions and homes and they've moved the birds out up
6 onto the hillside and even there there's a big dispute over
7 land ownerships and hunting rights and snowmachines up
8 there, there's lawsuits going on. And so they're moving
9 the habitat out of the area. And as a result, it's not
10 that there's a lack of ptarmigan, if you go up Caribou Lake
11 and Ptarmigan Head up on the Caribou Hills, there's a lot
12 of ptarmigan. I went back there last fall and we ran into
13 a lot of spruce hens in the dead spruce forest, which was
14 really surprising to us. And when you look into Unit 15
15 and Unit 15(A), there are millions of new spruce trees
16 coming up. They're very small at this point but there's a
17 tremendous amount of them and I think, you know, the
18 habitat will improve now that the beetle has pretty well
19 done its thing.

20
21 But I just have a hard time restricting --
22 I mean if somebody could get 40 ptarmigan or spruce hens or
23 -- well, at any time, they'd have to be a very successful
24 hunter. I've never been able to do it in my lifetime. I
25 just have mixed feelings about this limitation. And if you
26 could get that many, obviously the population's very
27 healthy just like Ralph is talking about, the cycle is up
28 and I -- I just don't know. I mean in 15(C), you know, if
29 we hunt and I am not certain, but like most of the things
30 I've hunted, I've never really paid a heck of a lot of
31 attention to seasons and bag limits and I've never been
32 able to get the bag limit.

33
34 But I just have a hard time putting a
35 restriction on it. There must be a lot better hunters than
36 me around.

37
38 MR. LaPLANT: Yeah, I would like to suggest
39 that if you don't agree to go along with the
40 recommendation, you might consider at least modifying it to
41 address the 15(C) winter season, which, as I currently
42 said, is only five per day, 10 in possession. You might
43 want to modify it to increase that. Because we do have
44 some information from Ted Spraker from Fish and Game on the
45 Kenai that the population of ptarmigan in the Caribou Hills
46 is, as you said, pretty healthy, so there's no need to have
47 the harvest limit restricted in that area. But that would
48 be one thing to consider.

49
50 CHAIRMAN LOHSE: Any other questions.

00066

1 Okay, I have one more question. One of the things I
2 noticed in your report is something that's shown up in
3 other states, too, and that's pets, I mean the idea that as
4 you have people move into an area, they also move in with
5 their pets and house cats, in particular, are extremely
6 efficient at catching and eating game birds. And this is
7 an increasing problem down on the Kenai Peninsula at this
8 point in time.

9
10 MR. LaPLANT: Yeah, again, we don't have
11 any data to support that but we're assuming that with the
12 increase in domestic animals in the area that that's
13 happening there just like it does in other parts of the
14 state and other parts of the country.

15
16 CHAIRMAN LOHSE: Okay.

17
18 MR. ELVSAAS: We have eagles to control
19 that.

20
21 (Laughter)

22
23 CHAIRMAN LOHSE: Okay. Any other
24 questions? Would you like to.....

25
26 MR. ELVSAAS: Yes. I would just like to
27 know -- all the guys from Unit 15, do you have any problem
28 with this proposal of restricting the taking of grouse and
29 ptarmigan from 20 a day down to 10? Basically cutting it
30 in half. Do you see any need for it, that's what I -- I'd
31 kind of -- I can't support that concept unless I see some
32 reason for it.

33
34 MR. BALDWIN: It appears to me and my
35 opinion is -- Allan Baldwin with the Kenaitze Tribe. In my
36 opinion it sounds like and the term was used, a management
37 tool, in my opinion the Department is utilizing a tool
38 that's available to them simply to use the tool. I agree
39 that I don't see any need to change the bag limit, the
40 possession limit. Populations fluctuate, cycles. And you
41 know, I have a brand new car and I also have a set of tools
42 on the wall, I don't grab a tool and fix something that
43 isn't broke, and in my opinion that's the case with the
44 ptarmigan and the grouse. The cycle isn't broke so why fix
45 -- try to use a tool to fix something that's not broke.

46
47 Thank you.

48
49 MS. WELLS: I'm just sitting here thinking
50 about this, this is the State.....

00067

1 CHAIRMAN LOHSE: State your name.

2

3 MS. WELLS: Susan Wells, Kenai. This is
4 the State that is wanting to impose another restriction,
5 and I'm a subsistence user and it's -- I mean my nose is
6 going to bent out of shape if another restriction on my
7 subsistence use happens. What happens if I, you know, run
8 out of salmon this winter and must, you know, rely on
9 ptarmigan or spruce hen and then I'm further restricted at
10 what my catch can be. Now, you know, again, I'm not a
11 sport hunter of these birds so I would object to further
12 restrictions of subsistence use. I have no concerns about
13 the people in our area abusing these game birds. And as
14 was alluded to earlier, you know, my son, at an early age
15 went out and one of his loves is to catch this bird and
16 barbecue it with barbecue sauce, but he's never gotten 10
17 at a time and in a whole season or a whole year I don't
18 think he's taken over 20. I mean that would be a very long
19 stretch. So I would think that for our area another
20 restriction on subsistence use would be another thorn in
21 the crown, I think.

22

23 MR. ELVSAAS: What I would like to do, Mr.
24 Chairman.....

25

26 CHAIRMAN LOHSE: Fred.

27

28 MR. ELVSAAS:is to make a motion that
29 would keep the bag limits for 15(A) and (B) the same and
30 make 15(C) consistent with 15(A) and (B), so Unit 15 will
31 have the same bag limits, 20 a day and 40 in possession.

32

33 CHAIRMAN LOHSE: Okay. Would you like to
34 make that in a -- we still -- we've had the written
35 comments, the oral comments, so yeah, you can put that
36 motion on the floor.

37

38 MR. ELVSAAS: Okay. I would move that the
39 bag limits for grouse and ptarmigan for Units 15(A) and (B)
40 remain the same and for 15(C) be consistent with 15(A) and
41 (B). In other words, increase the 15(C) bag limit.

42

43 CHAIRMAN LOHSE: Okay. Do I hear a second?

44

45 MR. JOHN: Second.

46

47 CHAIRMAN LOHSE: It's been moved and
48 seconded that we support the current bag limits in 15(A)
49 and (B) and Unit 7, right?

50

00068

1 MR. ELVSAAS: Yes, and 7.

2

3 CHAIRMAN LOHSE: And 7, and we support Unit
4 15(C) being increased to the same bag limits as the rest of
5 Unit 15.

6

7 MR. ELVSAAS: That's right.

8

9 CHAIRMAN LOHSE: Okay. Discussion.

10

11 MR. ELVSAAS: All I can say is I live in
12 15(C) and I feel cheated.

13

14 (Laughter)

15

16 CHAIRMAN LOHSE: The only thing I'll say is
17 I have to -- I thought his illustration of not using a tool
18 unless it's necessary or has a positive gain, I have some
19 friends who are also auto mechanics and they get brand new
20 cars and they start working on them and they work on their
21 cars for the next 10 years and I don't touch my car unless
22 it absolutely has to be worked on and at the end of 10
23 years, I've done a lot less working on my car and my car is
24 running a lot better than theirs is when they fooled with
25 it every time they could turnaround, so I thought that was
26 a very good illustration you used right there.

27

28 Okay. Any other discussion on the motion
29 in front of us.

30

31 MR. ELVSAAS: Question.

32

33 CHAIRMAN LOHSE: The question's been called
34 for. All in favor signify by saying aye.

35

36 IN UNISON: Aye.

37

38 CHAIRMAN LOHSE: All opposed, signify by
39 saying nay.

40

41 (No opposing votes)

42

43 CHAIRMAN LOHSE: Motion carries. Okay,
44 what time do we got, we got quarter after 12:00, let's take
45 a break, time to eat. Half the people missed breakfast
46 this morning because things weren't open and trying to find
47 a place. We need to give ourselves some time to go eat and
48 get back.

49

50 MR. JOHN: We have to go all the way to

00069

1 Glennallen.

2

3 CHAIRMAN LOHSE: We have to go to

4 Glennallen?

5

6 MR. JOHN: Could you tell them where the
7 cafe is?

8

9 (Off record)

10

11 (On record)

12

13 CHAIRMAN LOHSE: Okay, Ann would like to
14 make a short announcement.

15

16 MS. WILKINSON: While we were at lunch
17 today, a nice young man came and fixed the water situation
18 so the toilets are functioning, the water is running. If
19 you feel a need to go into the kitchen and run water,
20 please sure to leave the tap running a little so the pipe's
21 don't freeze up again.

22

23 The second thing is, if you have not signed
24 in, please do so and if you come back tomorrow, please sign
25 in again so we'll know who was here. Thank you.

26

27 CHAIRMAN LOHSE: Thank you. Do you want to
28 mention anything on this?

29

30 MS. WILKINSON: Oh, Tom Taube from Fish and
31 Game brought a synopsis of the 2000 Chitina subdistrict
32 subsistence fishery, there are some copies on the back
33 table if you're interested. Thank you.

34

35 CHAIRMAN LOHSE: Okay, with that, we'll
36 call this meeting of the Southcentral Regional Subsistence
37 Advisory Council back in session. And we would begin on
38 WP01-10 but that has been withdrawn so we're now on
39 Proposal 12 and 44, 12 and 44 are both on lynx trapping.
40 It doesn't just affect our area it affects many areas and
41 it deals with lynx seasons. Do you want to take it from
42 there.

43

44 MR. LaPLANT: Thank you, Mr. Chairman.
45 Before I begin I'd like to make a correction to a statement
46 I made this morning regarding the question on the Skilak
47 Loop wildlife management area, Mr. Elvsaas had asked if
48 Federal subsistence hunters could use a rifle in that area
49 for hunting and my answer was incorrect. The regulations
50 in the beginning of Unit 15 state that that area is closed

00070

1 to taking of wildlife with the exception of taking grouse,
2 ptarmigan and hares with bow and arrow, so it's only open
3 to grouse, ptarmigan and hares with bow and arrow. That
4 applies to both subsistence and State season.

5
6 MR. ELVSAAS: The area itself is just a bow
7 and arrow area basically?

8
9 MR. LaPLANT: Right. Well, according to
10 the regulations here, for just grouse, ptarmigan and hare.

11
12 MR. ELVSAAS: Yeah.

13
14 CHAIRMAN LOHSE: It's a closed fire arm
15 area.

16
17 MR. LaPLANT: Closed to fire arms, yes.

18
19 CHAIRMAN LOHSE: Okay.

20
21 MR. LaPLANT: Proposal 12 and 44 were
22 combined for the purposes of presenting information to the
23 Regional Council. They both deal with lynx harvest
24 seasons. Proposal 12 was submitted by the office of
25 Subsistence Management and the purpose of this proposal was
26 to make adjustments in the lynx season for Units 6, 7, 11,
27 13 and 15. And Proposal 44 was submitted by the Eastern
28 Interior Regional Council and it was to make adjustments by
29 extending the lynx trapping season in Units 12 and 20(E).

30
31 Back in 1987, the Department adopted a lynx
32 tracking harvest strategy to make adjustments in the lynx
33 season periodically -- to make adjustments each year as
34 harvest data becomes available. And as you know, lynx
35 populations are cyclic, they go up and down in about an 11
36 year cycle following the hare cycle so it's necessary to
37 make adjustments to the season in response to that cycle so
38 that the bottom of the cycle doesn't get too deep and it
39 takes longer for the population to recover.

40
41 This harvest strategy, this lynx tracking
42 harvest strategy has been recognized as an acceptable
43 method of managing lynx by the Federal Subsistence Board
44 and adjustments have been made using this by the Federal
45 Subsistence Board as well as the State system. Usually
46 what happens is the data comes in from the winter's harvest
47 in March and April and adjustments can be made in time for
48 the Federal Subsistence Board to address that in their May
49 meeting and the State is able to get it into their
50 regulations before they go to press with theirs in June.

1 What happened last year is the State
2 information didn't make it to our office in time for the
3 Federal Subsistence Board to act so the State made changes
4 based on the most recent information and the Federal system
5 did not make a similar change. So we dealt with this in
6 special action, Special Action No. 7, that was approved by
7 the Federal Subsistence Board in, I believe in August. And
8 the special action that we dealt with at that time was to
9 reduce the harvest for lynx in Units 6, 7 and 15 so that
10 action has taken place and it went into effect for this
11 trapping -- or is currently in effect for this trapping
12 season. But because it was a special action it's only
13 effective for one year so to get that into the regulations,
14 the annual regulations we had to go through a proposal
15 process and this is the analysis of that proposal to allow
16 those regulations to carry over.

17
18 At the same time, we're recommending in the
19 same proposal that the seasons be extended in Unit 11 and
20 13 because of lynx populations. And in Proposal 44 by the
21 Eastern Interior Regional Council is recommending that the
22 lynx season be extended in Unit 12 and 20(E), so basically
23 that's what is contained in this proposal.

24
25 If I could bring your attention to the
26 table on Page 64 of some of the lynx harvest data on the
27 Kenai Peninsula, which is Unit 7 and 15, you can see that
28 the season was closed in those units from a period of 1987
29 to 1996 and then Units 7 and 15(B) and (C) were opened in
30 1996 and then the whole area was opened in '97. As we see
31 from the harvest data, the population has pretty much
32 increased and probably leveled off in '98 and '99. One
33 thing that we pay close attention to is the percent of
34 kittens in the harvest and that's at the bottom line on the
35 table. It shows that the percent of kittens, as the
36 population increases, reached its peak in '97, the
37 percentage was 28 percent of the harvest were kittens and
38 then it dropped back down to 21 percent and remained at 21
39 percent in 1999.

40
41 The other thing we looked closely at in
42 this lynx harvest tracking strategy is the snowshoe hare
43 population and if you look at Figure 1 at the top of Page
44 65 you can see where the lynx population on the Kenai
45 Peninsula, particularly in the Kenai Wildlife Refuge
46 increased up to 1997 and then it started dropping off.
47 Last year they noticed a 30 percent decline in the snowshoe
48 hare population and this was an area where they were
49 measuring what they considered to be the best snowshoe hare
50 habitat in one of the old burn areas.

1 So there's two indicators that show that
2 the hare population is about to decline drastically in true
3 form, I guess, with lynx populations. So the reduction
4 with the special action closed the season two weeks earlier
5 -- or excuse me, it allowed the season to begin two weeks
6 later, so it shortened the season by two weeks and that's
7 what we're recommending continue with this proposal.

8
9 If you look at Table 2 on Page 66, it shows
10 some data there for Units 11 and 13. These units have
11 remained open for harvest and population has -- never did,
12 I guess, really bottom-out, especially in Unit 13, harvest
13 remained at a low of 71 animals but rebounded back up to
14 well over 300 and the important point there to look at is
15 the percent of kittens and it's a real high percentage, up
16 to 40 percent, 35 percent and then it dropped down a bit to
17 26 percent.

18
19 So our recommendation here is based on last
20 year's data, to extend the lynx season in these two units
21 to provide additional opportunity because of the high
22 populations. Now, we kind of reserve the right to look at
23 the data that comes in at the end of March to see if our
24 recommendation is ready to hold after we see what happened
25 with the trapping season this year, and according to the
26 information I just received today it looks like Unit 13
27 lynx populations have dropped down farther so perhaps
28 increasing the season as we're recommending might not be
29 the best thing to do with the more recent information. But
30 in this proposal, as written right now, we're recommending
31 that it be extended.

32
33 If you look at the diagram on Page 67, data
34 from Units 12 and 20(E), we see that the population, of
35 course, goes up and down over time as all lynx populations
36 do. They were relatively high last year but the key factor
37 here is that there is large population of hare in the
38 Interior in those units and the percent of the kittens in
39 the harvest has remained high as well. So the biologists
40 in that area are recommending that that season be extended
41 as well. I so I guess, basically the effect of this
42 proposal is to reduce seasons in areas where lynx
43 populations are declining, that's in Units 6, 7 and 15 and
44 to increase trapping opportunities where lynx populations
45 are increasing and that's in Units 11, 13, 12 and 20(E).

46
47 Subsistence lynx seasons would become
48 consistent with State's regulations with this proposal and
49 avoid confusion by the trappers. Now, the reason, I guess,
50 I want to emphasize, when we talk about consistency here

00073

1 with the State regulations and we're not talking about
2 consistency for the sake of consistency, we're talking
3 about consistency because we're both managing and making
4 recommendations based on the same data, the same
5 information and where we can have seasons that are similar
6 it reduces confusion and minimizes the possibility of
7 Federal subsistence users getting pinched for violating the
8 rules where they were confused about the rules. So we try
9 to make the regulations as consistent as possible as long
10 as it doesn't hinder the opportunity of Federal subsistence
11 users to do their necessary harvest.

12
13 The other thing that we're recommending in
14 our preliminary conclusion is that we adopt a statewide
15 policy that allows us to use a lynx harvest strategy in
16 conjunction with the State in assessing the data each year
17 and making the appropriate changes instead of going through
18 a special action giving that authority to the Office of
19 Subsistence Management, in sort of like an in-season
20 management authority. So we're recommending that the Board
21 provide that authority to the Office of Subsistence
22 Management.

23
24 So that's basically our analysis of the
25 issue.

26
27 CHAIRMAN LOHSE: Okay. Then to synopsize
28 this, basically what it does is in Unit 6 and 7 it shortens
29 the season by 15 days?

30
31 MR. LaPLANT: 6, 7 and 15.

32
33 CHAIRMAN LOHSE: 6, 7 and 15 shortens the
34 season by 15 days. In Unit 11 and 13 it actually aligns it
35 with the season that the State had this year?

36
37 MR. LaPLANT: Yes.

38
39 CHAIRMAN LOHSE: And in Units 12 and 20, it
40 takes the bag limit off -- well, wait a second, there was
41 no -- it puts a bag limit on it in 12 and 20?

42
43 MR. LaPLANT: Well, first of all it extends
44 the season -- it allows it to begin the 1st of November,
45 but it puts a bag limit on it for the November part of the
46 harvest of five lynx.

47
48 CHAIRMAN LOHSE: Oh, okay.

49
50 MR. LaPLANT: And then it eliminates the

00074

1 bag limit starting in December and then extends the season
2 to March 15th.

3
4 CHAIRMAN LOHSE: Could you explain to me
5 how the proponent or whoever thinks that this -- how this
6 would work? How you're going to go out and -- I mean five
7 bag limit for November 1 to November 30th, and starting
8 December 1st there's no bag limit? If I was a trapper, I
9 just wouldn't bother to check my traps from about the 20th
10 through the 30th and then after that there's no limit, I
11 mean I can't see how you're going to -- that's a totally
12 unenforceable law. I mean that -- if you've got no limit
13 for -- if you've got a limit for one month and no limit the
14 next month and this is a trapping regulation, there's no
15 way that that's going to be -- they don't have to check
16 them in, they don't have to be tagged during that month,
17 they get tagged at the end of the season and what you're
18 counting on is somebody checking their traps on the 30th
19 and then start checking them again on the 1st since they
20 stay within the bag limit; it won't work. I mean it's --
21 if you're going to have no limit on December 1st, you have
22 to have no limit on November 1st. If you're going to -- if
23 you feel like November needs limiting, then November needs
24 closed because you can't -- if I go set my line, I set 150
25 traps in November, how do I keep from getting more than
26 five lynx but I want them set on the 1st of December, you
27 know.

28
29 To me, as a trapper, I would say that
30 that's -- all that does is make -- it's going to penalize a
31 few honest people, it's going to make a few other honest
32 people dishonest because they're going to be tempted to not
33 check the traps and it's going to give somebody who wants
34 to be dishonest an advantage over everybody else.

35
36 MR. LaPLANT: Mr. Chairman, I totally agree
37 that it would be an enforcement problem and, I guess,
38 unfortunately, this Proposal 44 and Proposal -- it was
39 combined with the proposal that I worked on, Proposal 12,
40 so I don't have the detailed knowledge, the logic that went
41 behind this. This was submitted by the Eastern Interior
42 Regional Advisory Council.

43
44 CHAIRMAN LOHSE: So this is not a Staff
45 recommendation on the five lynx and the November 1.....

46
47 MR. LaPLANT: No, this came from -- right,
48 it came from the Eastern Interior Regional Council and the
49 Staff recommendation was to go along with it but
50 unfortunately I don't have the information to know what

00075

1 their logic was for it.

2

3 CHAIRMAN LOHSE: Well, I personally
4 couldn't support it because I just would not be able to --
5 that's a totally unenforceable action right there. But
6 anyhow -- but that's basically a synopsis of what this
7 proposal does. Do we have Fish and Game comments on this
8 one?

9

10 MS. WILKINSON: Yes. The Department
11 supports the intent of this proposal which is to align the
12 Federal and State lynx trapping seasons in Units 6, 7, 11,
13 13 and 15. However, the State lynx trapping seasons in 6,
14 7 and 11 through 16 are reviewed annually and routinely
15 modified by emergency order.

16

17 The Department usually determines by late
18 April or early May if season dates should be adjusted for
19 the upcoming regulatory year. Adjustments are then made by
20 emergency order and published in the trapping regulations
21 booklet. Consequently, action by the Federal Board may be
22 required each year to align State and Federal lynx trapping
23 seasons if this proposal is adopted as written. We
24 recommend the Federal Subsistence Board considering
25 delegating its authority to Federal managers to revise the
26 season dates consistent with those established by the
27 Department in the spring.

28

29 MR. LaPLANT: Well, as I said, Mr.
30 Chairman, we want to reserve the right to look at the data
31 when it comes in here in the next month to see if we might
32 want to make any additional adjustments to this.

33

34 CHAIRMAN LOHSE: That data will be in
35 before the Board.....

36

37 MR. LaPLANT: Right.

38

39 CHAIRMAN LOHSE:reviews our
40 recommendations on this proposal?

41

42 MR. LaPLANT: That's correct.

43

44 CHAIRMAN LOHSE: And the Board will take
45 that data into account when they make a decision on this
46 proposal?

47

48 MR. LaPLANT: That's our plan, yes.

49

50 CHAIRMAN LOHSE: So any kind of decision we

00076

1 make on this proposal will be more intent than it will be
2 -- I mean it will be an intent either to liberalize the
3 season or align it with the State season than it will
4 actually be to say this is actually what we want because
5 they're going to make that decision based on the data that
6 comes in.

7
8 MR. LaPLANT: More current data, yes, I
9 would agree with that.

10
11 CHAIRMAN LOHSE: Do we have any written
12 public comments, Ann?

13
14 MS. WILKINSON: Yes, we do. The Cooper
15 Landing Fish and Game Advisory Committee supports this
16 proposal to align Federal and State regulations and
17 supports placing the lynx seasons into the ongoing
18 regulations.

19
20 The Wrangell-St. Elias Subsistence Resource
21 Commission supports this proposal on its biological merits.
22 The Commission also noted that it does not agree that it's
23 always beneficia to align Federal and State seasons.

24
25 The Upper Tanana Fortymile Fish and Game
26 Advisory Committee also supports this proposal. They
27 didn't offer any reasons.

28
29 And the Denali Commission commented on
30 Proposal 12 and stated they support the preliminary
31 conclusion of the analysis for the reasons stated in the
32 justification in the Staff analysis. And that's it.

33
34 CHAIRMAN LOHSE: Okay. Do we have any oral
35 public comments on this one?

36
37 MS. WILKINSON: No.

38
39 CHAIRMAN LOHSE: No. Having none, we'll go
40 onto Council deliberations, justifications,
41 recommendations. A motion to put this on the table one way
42 or another is in order if it is so wished by the Council.

43
44 MR. ELVSAAS: Mr. Chairman.

45
46 CHAIRMAN LOHSE: Fred.

47
48 MR. ELVSAAS: We spoke earlier about us
49 doing action to align with the State. I have to agree with
50 his statement, I can't see that changing this -- having a

00077

1 season with a limit of five for 30 days and then a no limit
2 at midnight of the last day, doesn't make any rational
3 sense at all. But I guess I'm real curious as to how many
4 subsistence people trap lynx for subsistence purposes; is
5 there any data on that? Do you know of any?

6
7 CHAIRMAN LOHSE: I don't know of any data
8 from that standpoint, but I think the trapping of
9 furbearers for sale by rural Alaskans is considered a
10 subsistence activity.

11
12 MR. ELVSAAS: Okay.

13
14 CHAIRMAN LOHSE: And in the Interior here,
15 I won't say that most rural residents do but a high
16 percentage of rural residents to trap and do trap lynx.

17
18 MR. LaPLANT: Mr. Chairman, I would
19 speculate that in the Interior, most trappers are rural
20 residents.....

21
22 CHAIRMAN LOHSE: Right.

23
24 MR. LaPLANT:and would qualify for
25 doing it. On the Kenai Peninsula in the past, that
26 probably didn't hold true but with the Kenai Peninsula
27 being rural now that's probably true there as well. Most
28 trappers are eligible subsistence trappers.

29
30 CHAIRMAN LOHSE: And trapping is classed as
31 a subsistence activity.....

32
33 MR. LaPLANT: Yes.

34
35 CHAIRMAN LOHSE:if I remember right
36 from the definition so -- even if the furs are sold.

37
38 MR. ELVSAAS: Well, Proposal 12 is by the
39 Office of Subsistence Management, Proposal 44 is by the
40 Eastern Interior Regional Advisory Council, and this is
41 more of an activity in that area, I would have no problem
42 supporting that, although I have to agree with you, Mr.
43 Chairman, that enforcement, if there's going to be
44 enforcement is a nightmare. I do think that if people are
45 trapping for lynx for subsistence purposes, and they have
46 the good fortune to catch more than five in November, they
47 should be entitled to that. That tells me there's more
48 lynx around. You don't have good trapping when there's
49 very poor game allocations out. And the other side of the
50 coin, to tell you the truth, I prefer the snowshoe rabbits

00078

1 than I do the lynx.

2

3 CHAIRMAN LOHSE: Lynx tastes better. Lynx
4 tastes a lot better.

5

6 MR. ELVSAAS: But in any event, I have
7 mixed feelings on this. What do you think, Fred, I k now
8 you have a problem with aligning with State regs?

9

10 CHAIRMAN LOHSE: Can I make a comment?

11

12 MR. ELVSAAS: Sure.

13

14 CHAIRMAN LOHSE: The one on 20 and 12, we
15 don't have to act on, that's from Eastern Interior, that
16 affects Eastern Interior. We're given the opportunity to
17 act on that one but we don't have to take action on 44. We
18 don't have to take action on 12, either, but it would be
19 totally within our past mode of doing business to say that
20 that's an Eastern Interior one and we'll, you know, either
21 support or defer to their recommendation. So if you want
22 to make a motion just on 12 instead of on 12 and 44, you
23 can. If you want to make a motion on none of them you can.
24 And -- but I mean we don't have to act on them as a block.

25

26 Now, Fred, I'm sorry, you were going to
27 make a comment?

28

29 MR. JOHN: No, I really didn't.

30

31 CHAIRMAN LOHSE: Okay. And then as he
32 pointed out, the action we take may be of no effect.

33

34 MR. ELVSAAS: Uh-huh.

35

36 MR. JOHN: Uh-huh.

37

38 CHAIRMAN LOHSE: Because we can take action
39 to support this and if the data shows otherwise they're
40 going to do otherwise anyhow. The only thing that we would
41 be showing is that we show that we support liberalizing the
42 season when there's an opportunity. We could make the
43 motion that we support aligning the seasoning -- not
44 aligning but looking at the seasons every year to give
45 maximum opportunity, which would be the way -- if I was
46 going to put it, that's the way I would put it, or we could
47 just realize that nothing -- you know, that not much is
48 going to happen whether we take action on this or not.

49

50 So I will leave it up to the rest of the

00079

1 Council as to what they wish to do on this one.

2

3 MR. ELVSAAS: Do you know, off hand, in the
4 past seasons of December 1 through March, whatever it was,
5 well, through the end of February, were the majority of the
6 lynx taken early or late or is it spread evenly? That's
7 the old regs, see. Because if we adopt the Eastern
8 Interior, we're looking at 30 days prior to December 1 and,
9 what, 15 days after March 28th?

10

11 MR. LaPLANT: Yeah, Mr. Chairman, I.....

12

13 MR. ELVSAAS: Or February 28th, excuse me.

14

15 MR. LaPLANT:I don't have the
16 distribution of harvest data with me here so I.....

17

18 MR. ELVSAAS: Well, I was wondering, you
19 know, because the Eastern Interior thing, if you adopt it,
20 you're adding 30 days more to the season up front with a
21 limit of five and then no limit and then an extension of
22 two weeks on the tail end of this season. This is for Unit
23 12 and also for Unit 20(E).

24

25 MR. LaPLANT: Right. The harvest -- the
26 season hasn't been opened in November in those two
27 units.....

28

29 MR. ELVSAAS: Right.

30

31 MR. LaPLANT:in a few years so there
32 is no data, at least, in recent years as to what the
33 harvest, you know, was during that time period so I
34 couldn't speculate as to how much of a harvest would take
35 place during that additional early month or the late month.

36

37 CHAIRMAN LOHSE: I'm going to try to answer
38 that as close as I can.

39

40 MR. LaPLANT: Okay.

41

42 CHAIRMAN LOHSE: You don't have to go very
43 far back in time, November 1 was the normal starting season
44 for Unit 12 and 20.

45

46 MR. ELVSAAS: Okay.

47

48 CHAIRMAN LOHSE: November 10th was the
49 normal starting season in 10 and 13.

50

00080

1 MR. ELVSAAS: Okay.

2

3 CHAIRMAN LOHSE: And you don't have to go
4 -- I don't think you even have to go back five years for
5 that.

6

7 MR. ELVSAAS: So they shortened it.

8

9 CHAIRMAN LOHSE: The season used to be
10 November 10th through March 31st for lynx.

11

12 MR. ELVSAAS: Uh-huh.

13

14 CHAIRMAN LOHSE: And it's been shortened in
15 the fairly recent history. Speaking from experience from
16 the past from my standpoint as a trapper, the percentage of
17 fur caught at the start of the season and a percentage of
18 the fur caught at the end of the season -- the first month
19 and the last month was worth more than all of the middle
20 months.

21

22 MR. ELVSAAS: Uh-huh.

23

24 CHAIRMAN LOHSE: So in other words by
25 giving an earlier date on the season, you increase the --
26 from my standpoint anyhow, you increase your opportunity
27 more than just a percentage of time. I was talking to Bob
28 Tobey and he says in Unit 13 here their best months are
29 December and January. So it doesn't -- obviously doesn't
30 work that way everywhere. But I know that when we had a
31 November 10th through March 31st season, the November
32 season and the March season was much more productive than
33 the December season and January season. So that's one
34 thing that they do by stretching it out that way.

35

36 The other thing that you do do by opening
37 it earlier, you'd have a tendency to get more non-prime
38 fur.

39

40 MR. ELVSAAS: Uh-huh.

41

42 CHAIRMAN LOHSE: And by keeping it open
43 later you have a tendency to get more rubbed fur. So those
44 are two adverse effects that you have by extending the
45 season at both ends.

46

47 Well, do I hear any motions?

48

49 MR. ELVSAAS: Not from me.

50

00081

1 CHAIRMAN LOHSE: Well, hearing no motion, I
2 think we'll be taking no action on Proposals 12 and 44. At
3 this point we go onto Proposal 48. Pat is going to be
4 presenting this. This is on sheep. Sheep in Unit 11 and
5 if I understand this proposal correctly, what this does is
6 adds the residents of Chickaloon as customary and
7 traditional users of sheep in Unit 11; am I correct, Pat?

8
9 MS. PETRIVELLI: Yes.

10
11 CHAIRMAN LOHSE: Okay.

12
13 MS. PETRIVELLI: That was -- the original
14 proposal as it was in the proposal book, that's what it
15 was. And then I talked with Mr. Braendel who submitted the
16 proposal and because he had not specified the exact
17 locations, and so then it got amended to looking -- doing
18 -- adding Chickaloon to Units 11 and 12 for sheep. So
19 that's what the proposal analysis covers.

20
21 CHAIRMAN LOHSE: So the analysis is for
22 Units 11 and 12 for Chickaloon?

23
24 MS. PETRIVELLI: Yeah, to add sheep.

25
26 CHAIRMAN LOHSE: Okay.

27
28 MS. PETRIVELLI: To add Chickaloon as the
29 -- for a positive customary and traditional for sheep. So
30 Page 74 of the analysis has all the existing determinations
31 for Units 11 and 12 for sheep, and they're fairly specific
32 and for Units 11 it's divided into north of the Sanford
33 River and south or remainder. The existing positive
34 customary and traditional determinations are for Units 11,
35 north of the Sanford River, it's residents of Unit 12 and
36 the communities and areas of Chistochina, Chitina, Copper
37 Center, Dot Lake, Gakona, Glennallen, Healey Lake, Kenney
38 Lake, Mentasta Lake, Slana, McCarthy, South Wrangell, South
39 Park, Tazlina, Tonsina, residents along the Nabesna Road
40 and residents along the McCarthy Road. And then for the
41 remainder of the unit it's the same but they added Chisana
42 and residents along the Tok cutoff. And the people who
43 have a positive determination for 12 are residents of Unit
44 12 and then the residents of Chistochina, Dot Lake, Healey
45 Lake, Mentasta Lake.

46
47 So for Chickaloon -- well, Mr. Braendel
48 wanted to add Chickaloon to those lists of positive
49 customary and traditional use determinations for sheep.
50 Chickaloon currently has customary and traditional

00082

1 determinations for the following uses in Unit 11, for
2 caribou, moose, wolf, grouse and ptarmigan. In Unit 12,
3 Chickaloon has customary and traditional use determinations
4 for moose and wolf. All of these determinations were
5 retained from the State program.

6
7 In Units 11 and 12, the Federal lands are
8 with the Park Service and the USDA Forest Service and, of
9 course a majority of the Park Service and then in Units 12,
10 the Federal lands are the Park Service and the Fish and
11 Wildlife Service, and again, the majority is the National
12 Park Service and Wrangell-St. Elias National Park. And
13 under the guidelines with the Park Service regulations the
14 eligible subsistence users in the Park are the residents of
15 the resident zone communities and those who have 1344
16 permits besides having the positive customary and
17 traditional determination.

18
19 Chickaloon isn't a resident zone community
20 so if there was a positive customary and traditional use
21 determination, a Chickaloon resident would have to apply
22 for a 1344 use permit. Chickaloon's located at the
23 boundaries of Units 13 and 14 and pretty much at the
24 boundaries of the Ahtna and the Dena'ina Athabascan
25 traditional territories. In the 1982 Copper River Basin
26 subsistence use study, ADF&G included Chickaloon in that
27 study but then they didn't in the '87 study, the didn't
28 look at Chickaloon. So all of our data are from 19 -- the
29 subsistence use data are from 1982.

30
31 The Dena'ina residents of Chickaloon moved
32 to Point Possession and then it became predominately Ahtna
33 from the Tyone Lake area that ended up in Chickaloon. I
34 think they both use the areas but is predominately Ahtna
35 from Tyone Lake that are in Chickaloon now. The State
36 description of Chickaloon acknowledges two distinct
37 populations, in that, they're both represented by -- well,
38 one represented by the Chickaloon Village Traditional
39 Council and then the other group represented by the
40 Chickaloon Community Council.

41
42 In looking at the eight factors for a
43 customary and traditional use determinations, it shows that
44 sheep hunting has been an element of the subsistence use
45 for both the Dena'ina and Ahtna. And the continued hunting
46 of sheep has occurred with additional use of sheep -- well,
47 in the Copper River, provided by guided hunters and it's
48 documented by ADF&G.

49
50 The proposer, Mr. Braendel has stated that

00083

1 he used sheep yearly for the past 38 years and he's
2 reported that he's used sheep, from one to three sheep
3 yearly, the majority of which, until recently, were
4 harvested by his clients.

5
6 The ADF&G household surveys use is on Page
7 78 and Chickaloon, it shows that 5. -- in 1982, 5.6 percent
8 of the households used sheep. For the communities in Units
9 11 and 12, the percentages range from 4.4 Northway to North
10 Wrangell Mountain communities, 100 percent of the
11 households use sheep and communities along the Nabesna
12 Road, 83 percent use sheep.

13
14 Traditionally, the fall months of September
15 and October is when people used to hunt for sheep and now,
16 since statehood, sheep hunting occurs between September
17 10th and August 20th [sic].

18
19 As far as factor three and the patterns of
20 use, consisting of methods and means, the other -- besides
21 the ADF&G household studies, the source of data was the
22 harvest data base which shows just the permits taken and
23 methods and means and shows highway vehicle as a means of
24 access for Units 12 for the three sheep that were taken by
25 residents of Chickaloon. The proposer predominately used
26 airplanes for access prior to the formation of Wrangell-St.
27 Elias National Park which disqualified him as a candidate
28 for a 1344 use permit for the Park areas of Units 11 and
29 12. The traditional means of harvesting sheep involves a
30 drag-pole snares set in stone fences, bow and arrows and
31 spears. And then sometimes communal methods were used.
32 Now people use rifles.

33
34 In looking at the areas where people hunt
35 moose [sic], there's a chart on Page 80 and it has all the
36 permits. It shows all the permits that were issued to the
37 residents of Chickaloon and 79 percent of them were in the
38 13(A) and 14(A) for Units 12, 11 and -- well, 1.3 percent
39 of the permits were in Units 11 and 5.1 percent were in
40 Unit 12.

41
42 For the factors of handling sheep, the
43 traditional methods of preserving sheep is drying in the
44 sun or smoking in thin strips. In current ways of
45 preparing and preserving of storing sheep is drying,
46 canning, salting and freezing.

47
48 And then the handing down of knowledge,
49 there is some documentation of it in the Copper River
50 studies and Mr. Braendel in his application acknowledged

00084

1 that -- or told how he's passed on specialized knowledge
2 and values associated with hunting and use of sheep.

3
4 And then the sharing part, the data
5 relating to sharing of sheep in Chickaloon wasn't available
6 but it showed that 100 percent of the households used
7 subsistence resources and 88.9 percent harvested resources,
8 so there is sharing. There's data to document sharing
9 occurring in Chickaloon.

10
11 And on Page 82, shows -- well, just the
12 overall use of subsistence harvest for Chickaloon.
13 Predominately moose is the major component of subsistence
14 uses followed by fish. And then sheep -- well, it was just
15 the 5.6 of households again.

16
17 What this data has shown is that the
18 residents of Chickaloon do use sheep but they use -- oh,
19 and I -- there was a -- on Page 80 of the book there is a
20 paragraph that says information from the Chickaloon
21 Traditional Council, if you could just disregard that whole
22 paragraph because since Mr. Simmons, he's here today, and
23 he's going to give testimony -- but he feels that he would
24 like to present a more accurate context of the comments
25 relating to the statement. He thinks I may have not
26 provided an accurate context. But just to discuss.....

27
28 CHAIRMAN LOHSE: Who is that?

29
30 MS. PETRIVELLI: Steven Simmons.

31
32 CHAIRMAN LOHSE: Steve Simmons, okay.

33
34 MS. PETRIVELLI: Yeah. So you need to X
35 out that paragraph. He contacted me after the book was
36 made.

37
38 But what the data showed was that for the
39 community as a whole, the use of sheep by the community of
40 Chickaloon occurs mainly in 13(A) and 14(A) and not in
41 Units 11 or 12, so the preliminary conclusion was to oppose
42 the proposals because of the level of use in Units 11 and
43 12 is sporadic in comparison. And so for the whole
44 community of Chickaloon, a customary and traditional use --
45 a positive customary and traditional use determination for
46 the whole community of Chickaloon is not warranted.

47
48 CHAIRMAN LOHSE: Any questions for Pat?

49
50 MR. DEMENTI: Yeah, did you say that

00085

1 Chickaloon residents were opposed to this proposal?

2

3 MS. PETRIVELLI: Well, they were opposed
4 for the whole community of Chickaloon.

5

6 MR. DEMENTI: For the whole community,
7 okay.

8

9 MS. PETRIVELLI: Yeah. And they would like
10 to address -- you know, the idea of individual families
11 getting the individual 1344 -- but just for the community
12 as a whole -- and I think that's what they had conveyed to
13 us but I think Mr. Simmons will testify and clarify that
14 point.

15

16 CHAIRMAN LOHSE: Any other questions for
17 Pat? Do we have any Alaska Department of Fish and Game
18 comments?

19

20 MS. WILKINSON: Yes. The written comment
21 is they defer pending review of the Staff analysis,
22 however, this proposal does not present information on the
23 eight factors that would support a positive C&T finding for
24 the community of Chickaloon.

25

26 CHAIRMAN LOHSE: Okay. Do we have other
27 written comments?

28

29 MS. WILKINSON: I do. Chickaloon Village
30 did send in written comment but since there representative
31 is here, I'll let him speak to that.

32

33 The Upper Tanana Fortymile Fish and Game
34 Advisory Committee supports this proposal.

35

36 The Wrangell-St. Elias Subsistence Resource
37 Commission opposes this proposal based on the testimony of
38 the village of Chickaloon representative that the proponent
39 does not have kinship ties in Unit 12 or long history with
40 the village and is not, therefore, an appropriate person to
41 request customary and traditional use determination for the
42 village.

43

44 And that's all the comments I have on that
45 one.

46

47 CHAIRMAN LOHSE: Okay. And we have some
48 oral public comments. Wilson Justin. There he is hiding
49 in the back.

50

00086

1 MR. JUSTIN: Good afternoon. Thanks for
2 the opportunity to testify. My name is Wilson Justin. I
3 was born at Nabesna. My family resides on the Nabesna Road
4 in Chistochina. Fred, Jr., is first cousin to me. And
5 nearly every Native in the community from Chistochina north
6 is a relative or in some way related to the family.

7
8 I am here today on behalf of Chista Tribal
9 Council, which is a traditional governing body for
10 Chistochina and I work for a health environmental
11 educational consortium that represents the villages in our
12 region, Mentasta and Chistochina. And the essence of the
13 matter is we are flat opposed to this measure that's being
14 proposed. In our estimation there is no particular reason
15 to entertain the proposal. There are no historical ties to
16 the particular family that is requesting the proposal.
17 There are no kinship ties. And to be fair in the matter,
18 I'd like to remind the resources council that over the
19 years, ever since the National Park came into being I have
20 testified continuously on behalf of Northway and Tetlin and
21 a number of the other villages in those areas that they
22 are, in fact, by kinship ties resident zone communities and
23 it was a very difficult undertaking to get that recognized
24 as a historical fact.

25
26 Just for the record I would like to point
27 out some of the names that are in our region that are tied
28 to the other villages. My father was known as Old John of
29 Nabesna, properly called Nabesna John or (In Native) John.
30 All historical records say that his half brother or in some
31 cases his first cousin was Chief Walter Northway of
32 Northway. All the Alberts from Northway, Oscar and Ben
33 Alberts came out of two areas Batzulnetas and Nabesna. The
34 Sams out of Northway are related to the Alberts and Johns
35 out of Nabesna. As a matter of fact, for historical
36 purposes and for the purpose that we speak of in terms of
37 kinship ties, you cannot tell the difference between a
38 Northway Indian and a Nabesna Indian. We have the same
39 language, we have the same grounds, we ran the same area
40 and the only reason why there was a Northway was because of
41 the airfield that came into being in 1940, I believe, down
42 there. That attracted people there to work. You can say
43 this about Batzulnetas. Dot Lake is a sister community of
44 Mentasta. There are a number of people who have moved to
45 Dot Lake who were born in Batzulnetas and a number of
46 people who now reside in the Mentasta area who also come
47 from Slusloda.

48
49 The point that I'm making is that in that
50 particular area that we're talking about, Unit 11 and Unit

00087

1 12, every single indigenous community there has ties to
2 other communities in the northern region including Healey
3 Lake, including Dot Lake, including Tetlin. As a matter of
4 fact, Charles David, Sr., who was married into Tetlin, his
5 grandmother is from Nabesna, my village.

6
7 Over the years it's been extraordinarily
8 difficult to bring resident zone community designation to
9 these villages. I'm not sure if all of them have gotten
10 the designation yet in spite of the unbelievable close
11 historical ties. But we can entertain a proposal now from
12 Chickaloon from a family that really can't prove any ties
13 and I think that's very wrong. I think the proposal is
14 flat out against the interest of subsistence use and I am a
15 subsistence users of that particular locality.

16
17 My family used to hunt that Unit 11 from
18 Mile 29 Nabesna Road but it takes a lot of effort to get
19 across Tanada and Copper Lake and over to that locality
20 towards Drop Creek, it takes about a day and a half of
21 horseback riding and it takes at least three days if you're
22 going to go on foot. And the reason why we quit using that
23 locality and the reason why Chistochina quit using Unit 11
24 for sheep is very simple, they were run out from pressure
25 from big game hunting operations. And when I say, run out,
26 that's exactly what I mean. They were simply run off these
27 areas because these big game guides, and I have very good
28 experiences in the big game guiding industry. I guided for
29 16 seasons, my brother Calvin guided for 21 seasons, all of
30 my cousins have guided at least 16 to 18 seasons and we are
31 second generation guides. We know all about the commercial
32 guiding interests of this particular locality and there is
33 very little that can be told to us about who is using what
34 in this area.

35
36 And I know I've been given a lot more time
37 than usual for this testimony to say a simple no to the
38 proposal, but I thought some of the historical background
39 would be of benefit to this particular Council. And I'm
40 almost certain that if you were to ask Mentasta, they would
41 be opposed, but right now I am speaking for Chista Tribal
42 Council.

43
44 And I do thank you for the opportunity to
45 speak in opposition to this proposal and if I could, I'd
46 like to throw in a little compliment, not to win you over,
47 of course, because a lot of things that you do I disagree
48 with.

49
50 (Laughter)

00088

1 MR. JUSTIN: But I would like to mention
2 that between 1987, when I started testifying seriously
3 before the various boards in terms of subsistence use, and
4 1990, '91, '92 when I was Ahtna to today, there's been an
5 enormous sense of growth in terms of not only the expertise
6 necessary to deal with subsistence issues, but also I was
7 listening to the comments this morning and I was very
8 impressed with the one that the Chairman made about micro-
9 management of particular game resources like grouse. I'm
10 very happy to hear that because that is what we have been
11 saying all along. Subsistence is opportunistic. It
12 happens as opportunity delivers it. You can't manage
13 subsistence in terms of subsistence use, you can only
14 manage subsistence use in terms of sports and commercial
15 interests. And we want, the village that I represent wants
16 that brought up at every conceivable opportunity and that's
17 why I continue to bring it up.

18
19 But as far as yourselves are concerned, I'm
20 very pleased to have heard what I have heard this morning.
21 It's a markedly different attitude and level of knowledge
22 that I've seen over the years and I congratulate on that.

23
24 Thank you.

25
26 CHAIRMAN LOHSE: Any questions for Wilson?

27
28 MR. ELVSAAS: He said it all.

29
30 MR. JUSTIN: Thank you.

31
32 CHAIRMAN LOHSE: Thank you. Steve Simmons.

33
34 MR. SIMMONS: Good afternoon. My name is
35 Steve Simmons. I represent Chickaloon Village Traditional
36 Council, Tribal Government. And I'd like to thank Mr.
37 Justin for doing most of my work for me.

38
39 (Laughter)

40
41 MR. SIMMONS: It was very well said and I
42 thank you for it, it's a difficult task. I just wanted to
43 approach you today to further clarify the distinction
44 between the residents -- or the community of Chickaloon and
45 Chickaloon village, okay. Since the coal mining and gold
46 activities in the early 1900s the actual village has been
47 disbursed. Very few village residents live in Chickaloon,
48 so most of the community is made up of non-Natives and a
49 few of the family in the village of Chickaloon does have
50 ancestral and family ties to this area. It's hard to keep

00089

1 those two designations separate. I tried very hard in my
2 correspondence but the summary kind of washed it down and
3 made it appear a little bit different than what I was
4 trying to say.

5
6 Chickaloon village is very thankful that
7 Pat Petrivelli and National Park Service has contacted us
8 to gather our input and we look forward to working with
9 them in the future on Federal subsistence issues. So I'm
10 here today just to basically say we definitely oppose this
11 proposal because Mr. Braendel does not have any family ties
12 to Chickaloon village or ancestral ties to people in this
13 area.

14
15 And to include the residents of Chickaloon,
16 the community there -- that community would adversely
17 affect the people in this region and hurt the resource.
18 I am a member of the Matanuska Valley Advisory Committee
19 and every meeting we have I'm astonished to continually
20 find out that no matter what we're talking about, these
21 species are in drastic decline. The populations are in
22 serious trouble. So I'd hate to see a customary and
23 traditional use determination be made that doesn't actually
24 fit into the definition of customary and traditional use,
25 okay.

26
27 That's about all I have to say.

28
29 CHAIRMAN LOHSE: Any questions for Steve?

30
31 MR. SIMMONS: Thank you.

32
33 CHAIRMAN LOHSE: Thank you. So basically
34 what you said is that the village of Chickaloon, as a
35 village, is opposed to this proposal, right?

36
37 MR. SIMMONS: That's correct.

38
39 CHAIRMAN LOHSE: Thank you.

40
41 MR. SIMMONS: Because there are certain
42 members of the family that would like to go for a C&T but
43 it would be probably an individual basis.

44
45 CHAIRMAN LOHSE: They are available.....

46
47 MR. SIMMONS: A 1344.....

48
49 CHAIRMAN LOHSE: I mean there are families
50 there that probably have the ability to go on an individual

00090

1 basis.

2

3 MR. SIMMONS: That's correct.

4

5 CHAIRMAN LOHSE: Okay.

6

7 MR. SIMMONS: Thank you.

8

9 CHAIRMAN LOHSE: Okay. At this point in
10 time, it's up to the wishes of the Council. A motion can
11 be made to accept or reject this proposal or any other
12 modification that you wish to put on it. Do I hear a
13 motion?

14

15 MR. JOHN: I make a motion to reject this
16 proposal.

17

18 CHAIRMAN LOHSE: It's been moved that we
19 reject Proposal 48.

20

21 MR. DEMENTI: Second.

22

23 CHAIRMAN LOHSE: It's been seconded.

24

25 MR. ELVSAAS: Do you need a second?

26

27 CHAIRMAN LOHSE: We have a second.

28

29 MR. ELVSAAS: Okay.

30

31 CHAIRMAN LOHSE: Gilbert seconded it.

32 Discussion.

33

34 MR. ELVSAAS: I feel that this is one that
35 we can't just pass over, I think that we should make a
36 recommendation to the Board and as I understand it, if we
37 vote yes, we're voting to reject the proposal; is that
38 right?

39

40 CHAIRMAN LOHSE: Roger. Any other
41 discussion?

42

43 MR. ELVSAAS: Question.

44

45 CHAIRMAN LOHSE: The question's been called
46 for. All in favor of the motion, not the proposal, but of
47 the motion, signify by saying aye.

48

49 IN UNISON: Aye.

50

00091

1 CHAIRMAN LOHSE: All opposed signify by
2 saying nay.

3
4 (No opposing votes)

5
6 CHAIRMAN LOHSE: Motion carries. Okay, at
7 this point we go onto Proposal 49. Proposal 49 is to
8 establish and revise C&T determinations to include
9 residents of the Kenai Peninsula in Units 7, 9, 15 and 16.
10 And basically what it does is it includes rural residents
11 of Unit 15. Pat.

12
13 MS. PETRIVELLI: Yes, yes, this is mine.
14 Thank you, Mr. Chairman. As you stated, Proposal 49 was
15 submitted by the Kenaitze Indian Tribe, requesting a
16 positive customary and traditional use determination for
17 residents of Unit 15 for moose and caribou in 7, 9, 15 and
18 16. After contacting them I clarified that the Unit 9
19 portion would be 9(A) and (B) of Unit 9 rather than the
20 entire unit. So that's what the analysis looked at. And
21 the map of the affected area is on Page 91. For the
22 Federal lands in those units, in Units 7, the Federal lands
23 are the Chugach National Forest and the Kenai Fjords
24 National Park which, of course, the Kenai Fjords National
25 Park has no subsistence use and then some of the Kenai
26 National Wildlife Refuge. In Units 15 -- or in Unit 15,
27 the Federal lands are those of the Kenai National Wildlife
28 Refuge and a small portion of the National Park Service
29 lands and Forest Service lands. Federal lands in Units
30 9(A) and 9(B) are those of the Lake Clark National Park
31 Reserve and the Alaska Maritime National Wildlife Refuge
32 and BLM lands. In Unit 16, Federal lands are those of BLM
33 and then the National Park Service lands which are those in
34 Lake Clark National Park and Preserve and Denali National
35 Park and Preserve.

36
37 For Units 7 and 15, the existing State
38 customary and traditional use determinations were retained
39 by the Federal Subsistence Board until 1995, when there was
40 an extensive review of the Kenai Peninsula. But the State,
41 before on the Kenai Peninsula, had only recognized the non-
42 road connected communities of Nanwalek, Port Graham and
43 Seldovia as having various customary and traditional uses.
44 The Federal program recognized other areas of the
45 Peninsula, such as Ninilchik, Cooper Landing and Hope and
46 then last May, the entire Kenai Peninsula was recognized as
47 rural so therefore became eligible for customary and
48 traditional use determinations.

49
50 As far as for moose in Unit 7, the existing

00092

1 determinations are for -- are on Page 89 but it has the
2 residents of Chenega Bay and Tatitlek for the portion of
3 Unit 7 draining into King's Bay and the remainder of Unit
4 7, there is no Federal subsistence priority for moose. In
5 Unit 7 for caribou there's no Federal subsistence priority
6 either.

7
8 And then in Unit 15 for moose, there's
9 residents of Ninlichik, Nanwalek, Port Graham and Seldovia
10 and for caribou in Unit 15 there's no determination so all
11 rural residents are eligible.

12
13 For Units 9(A) and (B) for moose, the
14 residents of 9(A), 9(B), 9(C) and 9(E) have a customary and
15 traditional use determination. And for caribou, the
16 residents of Units 9(B), 9(C) and Unit 17 have a
17 determination for caribou. For 16 there's -- 16(A),
18 there's no Federal subsistence priority and for 16(B),
19 residents of Unit 16(B). And for Unit 16, for caribou,
20 there's no determination again so all rural residents are
21 eligible.

22
23 The list of communities are on Page 94, and
24 what I looked at was for residents of Unit 15 and Unit 7
25 because they would be affected by changing the
26 determination for -- particularly for caribou to all rural
27 residents to just Units 15, so the communities I looked at
28 for a positive customary and traditional use are those in
29 Units 15 and Unit 7 that would be added. And I think that
30 came to 30 communities. I'm pretty sure there's 30
31 communities in those two units -- or an additional 30
32 communities.

33
34 The subsistence household data that was
35 available is on Page 95. In 10 of -- or 12 -- 12
36 communities had subsistence household survey data and then
37 the other source of information was the harvest data base
38 and with the -- and the harvest data base had information
39 on permits. Harvest tickets turned in and permits issued
40 between 1983 and 1998, so it was a relatively recent
41 period.

42
43 Data information is on Page 96 and 97.
44 Traditionally moose have been used, there's a long history
45 of the use of moose in that unit -- or in Units 7 and 15.
46 And then, of course -- well, it's part of the Kenaitze
47 people. The use of moose is a food resources documented by
48 archeological evidence. Then the permit ticket data base
49 is broken out by each unit on Page 96.

50

00093

1 And for caribou, caribou were once more
2 common on the Kenai Peninsula but they were never there in
3 great numbers and they were mainly a supplemental resource
4 and then they were completely wiped out on the Kenai
5 Peninsula during the gold mining phase and they were, by
6 1912 caribou were exterminated by man and then they were
7 reintroduced in Unit 7 in the mid-1960s and in Unit 15 in
8 the mid-1980s. The first harvest on Unit 7 Kenai Mountain
9 Caribou Herd took place in 1972 so -- but residents of
10 those units have hunted for caribou in other areas of the
11 state.

12
13 I'll discuss more of that later. Moose are
14 hunted throughout the fall and winter -- well, were hunted
15 throughout the fall and winter traditionally and there is a
16 -- the current seasons are all listed on Page 98 for moose
17 and caribou and just a mixture of harvest tickets, drawing
18 permits or Tier II permit hunts that are available for both
19 moose and -- or for moose. And then caribou are hunted
20 through harvest tickets and permit hunts -- drawing
21 permits.

22
23 And then the pattern of use, moose are
24 hunted with rifles. And caribou, too -- nowadays, and
25 people use automobiles and boats for access nearby. And
26 there is with airplanes to other areas -- well, the travel
27 by airplane is shown on Page 101 to 9(A) and 9(B). Well,
28 actually on Page 100 shows -- showing the distributions of
29 permits for those -- all the units requested. And the
30 majority of permits by Unit 7 and Unit 15 residents are for
31 those area, Units 7 and 15. For moose 77 percent of the
32 Unit 7 residents get permits in Unit 7 and 92 percent of
33 them get their caribou permits in Unit 7. And then the
34 next highest areas, Unit 15 for -- for Unit 7 residents for
35 19 percent. The Unit 15 residents, they get 92 percent of
36 their moose permits in Unit 15. But they get most of their
37 caribou permits in Unit 7 which is -- which makes sense
38 because that's where most of the caribou are. And then the
39 next high issue where they receive permits is for caribou
40 in Unit 9(B), so for Unit 15 residents. But that table
41 breaks down and shows where various people -- and then the
42 table on Page 101 shows how they get to the various places.
43 And for 9(A) and (B), it's either -- well, in addition to
44 -- there is some use of airplanes and boats and there's
45 even snowmachine use.

46
47 In handling and preparing moose and
48 caribou, traditionally it was the -- the methods included
49 smoking, hanging, caches, drying into jerky or freezing
50 outdoors. Today's moose is either eaten fresh or frozen

00094

1 while some is smoked or dried. And then for -- and most
2 descriptions are available for Port Graham and Nanwalek.
3 And then for caribou, the historical methods were -- were
4 just mainly historical and there is not a lot of
5 information about recent use because the use is so sporadic
6 because of the drawing permit system in Unit 7. Because
7 the level of permit is much smaller than caribou but it is
8 a use.

9
10 And then there's a description that the
11 knowledge of moose and caribou hunting is -- there is an
12 inter-generational transmission of knowledge and belief
13 about moose and caribou hunting and the idea of subsistence
14 skills and values in general.

15
16 And then for sharing, the data relating to
17 sharing is on Page 105. And to show just the percentages
18 for sharing moose and caribou.

19
20 And then at the bottom of that page is
21 information about Factor 8, with the number of wild foods
22 used in households, just the different kinds which ranges
23 from 9.1 to 18.4 in Nanwalek and Port Graham, which has the
24 highest diversity in those two units.

25
26 On Page 106 has the effects of the proposal
27 and that's because there was a lot of comments because
28 there would be -- oh, I guess I -- well, because in the
29 chart there it shows if Proposal 49 was adopted as
30 requested, it shows for each unit how many more communities
31 would be added to the existing customary and traditional
32 determinations. So in Unit 15, if it was adopted and
33 currently four communities have customary and traditional
34 and 29 more would be added to that. And so it just shows
35 -- or there would be 25 added to that, so -- so it just
36 shows the increase in various -- in the customary and
37 traditional use determinations. And the only one where
38 there is no -- for caribou where there is no determinations
39 for Units 15, and then 16(A) and (B) where it's all rural,
40 it would go down from all rural residents down to 29. So I
41 guess I misspoke when I said there were 30, there's only 29
42 communities that we are looking at.

43
44 The preliminary conclusion was to support
45 the proposal with modifications. The modifications would
46 essentially be that it would be having for a positive
47 customary and traditional determinations for residents of
48 Unit 15 for moose in Units 15 and Unit 17, except for that
49 portion of Unit 7 draining into Kings Bay and then also
50 having Unit 7 residents having a positive customary and

00095

1 traditional use determination for moose in Units 15 and 7
2 except for the Kings Bay portion. And then also to modify
3 the request for caribou so that it's just for residents of
4 Units 15 and Unit 7 and for caribou for Unit 7 for -- or --
5 wait a minute, modify the proposal for the units requested
6 for caribou for residents of 15 to also include Unit 7
7 residents. And then so that -- so there would be customary
8 and traditional determinations for those residents for
9 caribou in Units 7 and 15 only without -- and to leave out
10 the request for Units 9(A) and (B) and 16.

11

12 CHAIRMAN LOHSE: Any questions for Pat?

13

14 MR. ELVSAAS: I noticed in the list of
15 communities, Salamatof is not listed. I'm just wondering,
16 are they part of -- part of Kenai?

17

18 MS. PETRIVELLI: Salamatof, they should be
19 listed on -- they are listed on Page 94. What happened is
20 is when you look at the harvest data, on Page 94 it
21 includes all the communities that are recognized, either
22 through census data or borough data but then on Page 96,
23 you don't see them because I think when people have mailing
24 addresses, they either get their mail at Kenai or Soldotna
25 so there's no way to tell how their level of use to break
26 out their current use so I look for those other smaller
27 communities in the -- on the harvest ticket data base,
28 those are the only communities listed. And of course,
29 there's this odd one, Red Mountain, that I've never heard
30 of but I think is buy Homer, but for some reason people
31 only -- they put it down on their permit and so it got
32 listed for certain periods.

33

34 MR. ELVSAAS: Thank you. On Red Mountain,
35 Red Mountain was a postal drop at Kasitsna Bay when the
36 sawmill operated in Jakolof Bay and people got their mail.
37 There was never a community as such.

38

39 MS. PETRIVELLI: So it was Jakolof Bay that
40 was.....

41

42 MR. ELVSAAS: Well, Jakolof Bay and
43 Kasitsna Bay are two adjoining bays and the plain landed at
44 Kasitsna Bay because there was a lady there that handled
45 the mail for all the people along the bays there. And Red
46 Mountain, and they had the same zip code as Homer, so they
47 never had a post office. When the logging operation shut
48 down they quit delivering the mail.

49

50 MS. PETRIVELLI: And I tried to figure out

00096

1 -- and ADF&G just uses the mailing address for residents
2 unless it's a Tier II permit and then they ask for
3 information relating specifically to where a person lives.
4 So that ends up being confusing with those permit data
5 basis because we only -- they only record the mailing
6 address of the permit holder or ticket holder -- the
7 harvest ticket holder. So that's why Salamatof isn't
8 included on there.

9

10 MR. ELVSAAS: Okay, thank you.

11

12 CHAIRMAN LOHSE: Any other questions for
13 Pat. Let me see if I can summarize this correctly, then
14 what the difference between the proposal and the suggested
15 proposal, basically Unit 7 would be rural residents of 7
16 and 15, except for that piece in Kings Bay that Tatitlek
17 and Chenega use?

18

19 MS. PETRIVELLI: Yes.

20

21 CHAIRMAN LOHSE: Okay. Unit 9 would just
22 remain for the residents of Unit 9.

23

24 MS. PETRIVELLI: Uh-huh.

25

26 CHAIRMAN LOHSE: And it will stay the way
27 it was by this suggestion right here. Unit 15 would be
28 residents of Units 7 and 15.

29

30 MS. PETRIVELLI: Uh-huh.

31

32 CHAIRMAN LOHSE: Units 16(A) and (B), if we
33 gave it to rural residents of Units 7 and 15 would leave
34 out the residents of 16(A), in 16(A), there'd be only
35 residents of Units 7 and 15 would have C&T if we did it the
36 way it was proposed, but the residents who actually live in
37 16(A) wouldn't have a C&T. That was the proposed way. So
38 the suggestion is to leave it the same and that way there's
39 no subsistence priority in Unit 15 and 7 and 16(A) can hunt
40 in 16(A), right?

41

42 MS. PETRIVELLI: Uh-huh.

43

44 CHAIRMAN LOHSE: And 16(B) already has
45 residents of 6(B) and the recommendation is not to include
46 residents of Unit 7 and 15, which is right across the bay
47 from there. But that was just looking at moose.

48

49 MS. PETRIVELLI: And actually I forgot to
50 give the justification for.....

00097

1 CHAIRMAN LOHSE: Okay.

2
3 MS. PETRIVELLI:or the
4 recommendation.

5
6 CHAIRMAN LOHSE: Okay.

7
8 MS. PETRIVELLI: But the justification was
9 that the residents of Units 7 and 15 predominately hunt in
10 Units 7 and 15 and their level of uses of the areas of 7 --
11 or 9 and 16 are a small and insignificant percentage
12 compared to the level of use in their local areas. And
13 even though traditionally in the past people did travel to
14 those units and hunt in time of shortages or because of
15 kinship ties that that use is sporadic in nature. And just
16 the level of use -- the majority of their customary and
17 traditional -- or their use is in Unit 7 and 15 and that's
18 what the permit data use shows and that's what various
19 studies have shown that people harvest in the areas nearer
20 to their own local areas. And that's shown by the
21 distribution of permits. It's just generally in Units 7
22 and 15 when the percentages -- like in in 9(A) and 9(B) is
23 five -- .5 percent, .9 percent, .1 percent, the highest
24 percentage is like four percent of the permits that they
25 obtain is outside of their unit, they're mainly -- hunt in
26 their own units, 7 and 15, and that's why the
27 recommendation was for only 7 and 15.

28
29 CHAIRMAN LOHSE: Okay. At this point in
30 time, do we have any ADF&G comments?

31
32 MS. WILKINSON: No.

33
34 CHAIRMAN LOHSE: No.

35
36 MS. WILKINSON: No.

37
38 CHAIRMAN LOHSE: Okay. Do we have any
39 written comments?

40
41 MS. WILKINSON: Yes. The Cooper Landing
42 Fish and Game Advisory Committee opposes this proposal
43 because it excludes rural residents of Unit 7 and because
44 the proposed customary and traditional use determination is
45 too narrow in scope and too broad in area. The committee
46 states that C&T determinations must be made for each
47 individual community within Units 7 and 15. However, if
48 that cannot be reasonably established then at least a C&T
49 determination should be made for the Kenai, Soldotna, Homer
50 and Seward aggregate areas and the previous rural areas.

00098

1 The Committee supports postponing this action -- excuse me,
2 supports postponing action on this proposal until after the
3 Kenai Peninsula rural determination has been reconsidered.

4
5 The Lake Iliamna Fish and Game Advisory
6 Committee opposes a positive C&T determination for rural
7 residents of Unit 15 for moose and caribou in Unit 9. The
8 Committee considers that they would have to fly -- they,
9 being residents of Kenai Peninsula, would have to fly over
10 and that is not a customary and traditional means for
11 subsistence. The Committee also noted that residents of
12 Unit 9 are facing harvest reductions due to lower moose
13 calf survival and if this proposal passes it will have more
14 competition for fewer moose.

15
16 And that's all the comments I have.

17
18 CHAIRMAN LOHSE: Okay.

19
20 MR. JENNINGS: Mr. Chair.

21
22 CHAIRMAN LOHSE: Yes.

23
24 MR. JENNINGS: Mr. Chair, Tim Jennings,
25 Office of Subsistence Management. I wanted to briefly
26 mention that the Bristol Bay Regional Advisory Council has
27 already met and they discussed this proposal because it is
28 a crossover proposal with their region in Unit 9(A) and
29 (B), they choose only to address that portion of this
30 proposal that is in their region, only 9(A) and (B), and
31 they supported the Staff recommendation to leave the C&T
32 for Units 9(A) and (B) unchanged for both moose and
33 caribou. So I wanted to report that to you.

34
35 MR. EWAN: Mr. Chair, I'd like to make a
36 comment. I went to the State Fish and Game Board meeting
37 in Anchorage and the very first thing I heard was an old
38 man get up and talk about them -- he was talking about
39 killing off some of the magpies, anyway, the guy lives in
40 Palmer and he didn't want them to kill any magpies being a
41 shortage of magpies there in Palmer -- since he has a love
42 for magpies and I would suggest we send some of our magpies
43 down to him.

44
45 (Laughter)

46
47 CHAIRMAN LOHSE: You catch them and the
48 post office will send them.

49
50 (Laughter)

00099

1 CHAIRMAN LOHSE: Okay, with that, one of the
2 things that we have to remember as we deal with C&T,
3 competition for resource is not a reason to deny somebody
4 C&T. C&T is based on can you show past and, you know, past
5 customary and traditional use of the area. And in some
6 cases, like we have in the past, where we've seen that
7 granting to C&T from people outside the area denies the
8 people that are in the area C&T, we have postponed acting
9 on that kind of C&T until the residents that actually live
10 there can establish C&T for themselves. But the fact that
11 there's a shortage or there's a competition for the
12 resource is not a reason to deny C&T. C&T is based on use,
13 past customary and traditional use. So as a Council we
14 need to remember that as we read some of these written --
15 get some of these written comments that we don't want
16 somebody else to have C&T in our area because they'll
17 compete with us for the resource.

18
19 Okay, with that, we're going to go on to
20 oral comments and we have a stack of them. And I put them
21 down in backwards order so I'm going to start in the order
22 that I got them. Rita.

23
24 MS. SMOGGE: I am Rita Smogge. I am the
25 executive director for the Kenaitze Tribe and I'm also a
26 tribal member. In preparing my testimony.....

27
28 CHAIRMAN LOHSE: Turn it up a little louder
29 because people back there can't hear.

30
31 REPORTER: Okay.

32
33 MS. SMOGGE: In preparing my testimony, I
34 referenced the following material, fishing and hunting
35 survey conducted by the Kenaitze Indian Tribe in 1989 and
36 1992; affidavits of tribal elders and also the collected
37 writings of the late Peter Kalifonsky, a Dena'ina legacy.
38 Peter was a tribal elder. In reviewing the surveys and
39 reading the affidavits, it was evident that our people did
40 not consider the hunting and fishing as "subsistence
41 activities." It truly was a way of life. It was, if you
42 will, a seamless lifestyle. They did it because it was
43 inherent to them. And as one tribal elder stated in his
44 affidavit, he said, without it we would die.

45
46 The surveys, affidavits, and Peter's book,
47 the Dena'ina legacy validates that the Kenaitze/Dena'ina
48 traditionally fished and hunted the entire Cook Inlet Basin
49 and its tributaries. Some of the areas that were
50 identified was 20 miles radius of Kenai and the entire

00100

1 Kenai Peninsula, Shorty's Camp, Tyonek Ridge, Kusatan,
2 Chinitna Bay, Swan Lake, Stormy Lake, Jean Lake, Knik,
3 Polly Creek, Kasilof, Ninilchik, Swanson River. Hunting
4 for moose and caribou would take place in the fall and
5 winter and traditionally the entire family would
6 participate thereby ensuring the custom and traditions
7 would be passed on. The meat was always shared with other
8 family members, relatives and friends who were unable to
9 participate in the hunt due to illness or age. Today
10 tribal members continue to hunt and fish, although on a
11 very limited and regulated basis. Most hunt for moose or
12 caribou in Units 15. A few hunt for caribou, "across the
13 inlet" although this is cost prohibitive for many of our
14 tribal members. Some don't hunt anymore because they feel
15 it's too hard and it's too competitive. They rely on
16 others for sharing of their resource.

17
18 In closing, I would request a positive
19 determination for the Kenaitze Proposal No. 49.

20
21 CHAIRMAN LOHSE: Thank you. Don't run off
22 -- too late, any questions for Rita -- okay, thank you.
23 Don't run off so fast, somebody might want to ask you
24 something.

25
26 (Laughter)

27
28 CHAIRMAN LOHSE: Jacqueline. Our youngest
29 elder.

30
31 (Laughter)

32
33 MS. COMEAUX: Hello, my name is Jacqueline.
34 I hope you know that every day a Dena'ina child cannot
35 learn how to hunt -- learn how to hunt what they need for
36 their families. I was an archeologist for three weeks and
37 in those three weeks I learned a lot about Dena'ina people.
38 Hunting, fishing and moose is not easy for us -- is not as
39 easy for us as it is for tourists. All they have to do is
40 find some spot with their big nice motorhomes, but, us the
41 people, just go camping. But we cannot hunt for fish
42 without an ID or go hunting for moose. We still have to
43 have an ID. It is not right or fair to us to go through
44 all the papers to try to get one when we have the right to
45 go hunting because we have been here first and the children
46 that need to know how the elders lived and what they lived
47 like. And most important is to let them know how they
48 hunted and what they used to hunt with. But now some
49 people just don't care how they hunt and have no respect
50 for the animals that they hunt or even when they just hunt

00101

1 for the horns and leave everything else and it goes to
2 waste. When I went moose hunting I took everything. And
3 when I went to fish camp for one week, I learned how to cut
4 fish for my first time and I have been in the Javalina
5 Dance Group (ph) for four years and there are 11 of us and
6 more, and we are learning through our songs, dances and
7 stories about the places we would hunt, fish and pick
8 berries.

9
10 Please support our cultural and traditional
11 uses for me and my future generations. Thank you for
12 listening.

13
14 CHAIRMAN LOHSE: Don't run off Jacqueline,
15 you can't get away that easy.

16
17 (Laughter)

18
19 CHAIRMAN LOHSE: Anybody have some
20 questions for Jacqueline?

21
22 MR. JOHN: Yes.

23
24 CHAIRMAN LOHSE: Fred.

25
26 MR. JOHN: Where are you from, you say?

27
28 MS. COMEAUX: Kenai.

29
30 MR. JOHN: From Kenai, I'd like to thank
31 you for coming up here. I got a little daughter, she's 16
32 now and when subsistence first came into the area she was
33 about 11 and she came up and testified before the Secretary
34 of Interior's person up here in Alaska and right now she's
35 still involved and I really appreciate you coming up.
36 Thank you very much.

37
38 (Applaud)

39
40 CHAIRMAN LOHSE: Okay. Bernadine.

41
42 MS. ATCHISON: My name is Bernadine
43 Atchison. I am a Kenaitze Tribal member and I'm also the
44 cultural heritage director for the Kenaitze Indian Tribe.
45 I want to thank you for this opportunity to be able to
46 testify on the traditional and cultural use of the moose,
47 caribou, sheep, goat, black bears, furbearing animals,
48 fowl, fish and plant life. The areas we traditionally
49 harvested was from the Katchemak Bay along the Kenai
50 Peninsula west across the inlet into Stoney River and

00102

1 northeast to the Susitna Basin. The Dena'ina have occupied
2 the Kenai Peninsula for the last thousand years and our
3 relatives in the Interior for over 10,000 years, so we have
4 established a cultural existence as Dena'ina people with
5 traditional uses.

6
7 The harvesting of these animals have a
8 significant impact on our health and well-being. It is
9 well known that to maintain a healthy existence, the moose,
10 caribou, salmon, plants, berries, et cetera, need to be
11 part of our diet. Today Alaska Natives have a high rate of
12 diabetes and other diseases because of the lack of these
13 foods.

14
15 Harvesting these animals it also defines
16 who we are as Dena'ina people. In our ancient stories
17 which were passed down to us they explained the areas we
18 hunted or trapped, how to respect the animals, proper
19 handling of the plants, time of year to harvest and what
20 would heal us. Harvesting animals, the fowls, fish and
21 plants are integrally part of our every day life and
22 existence, it is our culture. So today I'm here to support
23 the traditional and cultural uses of these areas.

24
25 Thank you for your time.

26
27 CHAIRMAN LOHSE: Any questions for
28 Bernadine? Okay, thank you. Bonnie Juliussen?

29
30 MS. JULIUSSEN: Pardon?

31
32 CHAIRMAN LOHSE: Is it Juliussen?

33
34 MS. JULIUSSEN: Yes. My name is Bonnie
35 Juliussen and I'm a Kenaitze Indian Tribal member as well
36 as a council member. And before I begin with my own, I'd
37 like to read you one from our tribal chair, she was not
38 able to be here today.

39
40 She writes, the Dena'ina people have used
41 the moose and caribou as a subsistence food for many years
42 in Area 15. There is historic and archeological evidence
43 for more than a thousand years to the present.
44 Archaeologists have documented this. The Dena'ina people
45 harvested the moose throughout the fall and winter after
46 the fishing season was over. At this time of the year,
47 berry picking and food gathering were also done. During
48 the earlier moose hunting season both sexes were taken and
49 moose was abundant at that time. We are now dictated by
50 the State hunting regulations. The Dena'ina also harvested

00103

1 caribou. This was done in the fall after the fishing
2 season. Since statehood, caribou hunting has been limited
3 to State regulatory seasons in certain areas.

4
5 The Dena'ina people share their moose and
6 caribou catches with elders, relatives and friends. When
7 the moose is taken the elders, fathers, uncles, relatives
8 or friends show the younger, men, women and children how to
9 handle, cut, prepare and preserve the moose and caribou
10 meat. This tradition is still done to this day. At the
11 present time we have better means of preserving the moose
12 and the caribou. These traditions taught to our youth is
13 very important to the Dena'ina people as it teaches
14 respect, spiritual and cultural awareness and ties us to
15 our past, present and future.

16
17 Respectfully, Roselee Atak (ph), Kenaitze
18 Tribal Chair person.

19
20 CHAIRMAN LOHSE: Could you give that
21 written comment to Ann, when you're done for her?

22
23 MS. JULIUSSEN: I can, yes.

24
25 CHAIRMAN LOHSE: Okay.

26
27 MS. JULIUSSEN: Okay, and for myself. I am
28 in support of the Kenaitze's proposal. My family has lived
29 on the Kenai Peninsula for generations and generations and
30 I know that they would be in support of this proposal as I
31 am and as my family, now, in the present are in support of
32 this proposal also.

33
34 Thank you.

35
36 CHAIRMAN LOHSE: Any questions? Bonnie, I
37 have a question, you know, I sit here and I look at the map
38 and I look at what the proposal entails and I have no
39 questions on Unit 15 and Unit 7 because that's right down
40 on the Kenai or even on 16(B) across from or -- or 9 across
41 -- right directly across there because Kenai people are
42 boat people. But like when I look up here at 16(A) way up
43 by the Denali Park, and it's a request for C&T in an area
44 that the people don't -- that even live there and live
45 right next to it don't have C&T for it, which would
46 basically give Unit 15 and Unit 7 priority over the people
47 who live in 16(A), I wonder about that. Do we have -- you
48 know, the record that we have established here doesn't show
49 a lot of activity up in that area at this current time.
50 When you think of the necessity for having C&T, do you --

00104

1 the necessity, I can see it right in the area that the
2 people live but one of the problems that I see that we have
3 with our C&T is everybody tries to grab away from home,
4 too, because we're all worried that we might get shut out
5 of an area and if C&T stayed within the area that people --
6 it would have been nice if they would have said to begin
7 with that if it's within the area you can walk in in three
8 days or something like that, but they didn't, and so then
9 we have situations like this come up where a unit like 15
10 is applying for C&T in Unit 16(A) where the people in Unit
11 16(A) don't even have C&T, and if we grant C&T to Unit 15,
12 then people from Unit 15 have a priority over people who
13 live in 16(A). What would you suggest -- how would you
14 suggest handling something like that? I guess that's
15 really what my -- that's the dilemma we face all the time.

16
17 MS. JULIUSSEN: Okay. As in some of the
18 testimony, we always share. The Dena'ina people share.

19
20 CHAIRMAN LOHSE: Well, of course.

21
22 MS. JULIUSSEN: Okay, and I'm sure that the
23 people that are there, we would share with each other. And
24 I mean no matter who has priority over who.....

25
26 CHAIRMAN LOHSE: Yeah, you can share with
27 what you get but you can't share what the regulatory -- I
28 mean if there's a shortage in 16(A).....

29
30 MS. JULIUSSEN: Uh-huh.

31
32 CHAIRMAN LOHSE: And we grant 15 C&T for
33 it, residents of 16(A) have to be closed down before
34 residents of Unit 15. They're required to by law. Because
35 15 will have the C&T and 16(A) doesn't -- residents of
36 16(A) won't have C&T. So if it goes to an 804
37 situation.....

38
39 MS. JULIUSSEN: Uh-huh.

40
41 CHAIRMAN LOHSE:then residents of
42 16(A), who live there, will not be -- you know, this is a
43 hypothetical situation but it could happen under an 804
44 situation, the residents of 16(A) will not have a C&T.
45 Now, they have the ability to apply for C&T but at this
46 point in time we'd be granting a C&T to somebody who lives
47 farther away than the people who actually live there just
48 like where we ran into the objections from residents of
49 Unit 9, and as I pointed out, competition is not an
50 objection. What has to be demonstrated is a past customary

00105

1 and traditional use of the area sufficiently large enough
2 to grant C&T, you know, and so I mean do you feel like the
3 residents of Unit 15 did -- or do or have in the recent or
4 past made enough use of the area by Denali Park that they
5 should have C&T there?

6
7 MS. JULIUSSEN: To have C&T in Denali Park?

8
9 CHAIRMAN LOHSE: Well, that's 16(A).

10
11 MS. JULIUSSEN: I'm lost.

12
13 MS. PETRIVELLI: Well maybe it will
14 help.....

15
16 CHAIRMAN LOHSE: Pat.

17
18 MS. PETRIVELLI:when you look at the
19 map for 16(A) and (B).....

20
21 MS. JULIUSSEN: Uh-huh.

22
23 MS. PETRIVELLI:a lot of the areas
24 that are talked about by residents of the Kenai area, it's
25 all State land, you know, the forelands -- the west
26 forelands and all those.....

27
28 CHAIRMAN LOHSE: Right.

29
30 MS. PETRIVELLI:but the Federal lands
31 in 16(A) and (B) are the Denali National Park.....

32
33 CHAIRMAN LOHSE: Right.

34
35 MS. PETRIVELLI:and the Preserve.
36 And then there's these small portions of Lake Clark
37 National Park and it's BLM land. And what the BLM land
38 person told me is that's really Glacier land so the moose
39 and caribou.....

40
41 MS. JULIUSSEN: Uh-huh.

42
43 MS. PETRIVELLI:aren't really even
44 there in that portion.

45
46 MS. JULIUSSEN: Uh-huh.

47
48 MS. PETRIVELLI: So I guess the question,
49 at least as far as 16 goes with Federal land.....

50

00106

1 CHAIRMAN LOHSE: Is Denali Park.

2

3 MS. PETRIVELLI: Yeah. But the areas
4 described by the -- traditionally, what the people used --
5 of course, when they say traditionally, Susitna Basin and
6 that's hard to know how they define that.

7

8 CHAIRMAN LOHSE: But that's State land.

9

10 MS. PETRIVELLI: It's State land.

11

12 CHAIRMAN LOHSE: See, that's what I'm
13 saying, if we grant.....

14

15 MS. PETRIVELLI: Yeah, so.....

16

17 CHAIRMAN LOHSE:if we grant.....

18

19 MS. PETRIVELLI:so if that.....

20

21 CHAIRMAN LOHSE: If we grant C&T on Federal
22 land in 16(A), we're granting C&T in Denali Park. And
23 16(B), it's basically Denali Park and a small portion of
24 Lake Clark. The rest of that is all State land. And
25 that's, to me, I'm just wondering, can the residents of
26 Unit 15 demonstrate enough past use of the Federal land in
27 Unit 16(A), which is Denali Park that they feel like they
28 should have C&T in Denali Park? Or is the Staff proposal
29 more in line with what reality is which is basically to
30 leave 16(A) and 16(B) as it is, which is rural residents.

31

32 MS. JULIUSSEN: Uh-huh.

33

34 CHAIRMAN LOHSE: And that still gives
35 people from Units 15(A), (B) and (C) and 7 the opportunity
36 to hunt there but not to have the C&T in the Park portion
37 way up at the top: that's my question? See that's -- in
38 other words, the Staff has proposed making it smaller than
39 what the request is. Do you feel that the request is
40 justified in going as far as the request did? And you
41 don't have to answer that, maybe I'm putting the wrong
42 person on the spot, Bonnie, but I was just -- and I'll ask
43 Allan, too, when he gets up here.

44

45 MR. BALDWIN: If I might, Bonnie, you could
46 respectfully request to defer his question to the next
47 speaker at this point.

48

49 (Laughter)

50

00107

1 CHAIRMAN LOHSE: If you're uncomfortable
2 with what I'm asking just do that.

3
4 MS. JULIUSSEN: Okay.

5
6 MR. JOHN: Mr. Chair, right now if we give
7 C&T in 16(A), I think for future when State comes into
8 compliance, I think that will stand that.

9
10 CHAIRMAN LOHSE: Well, that's possible.

11
12 MR. JOHN: Uh-huh.

13
14 MR. ELVSAAS: That's a good point.

15
16 MS. JULIUSSEN: It is a good question and
17 I'll pass it along, I hope you don't mind.

18
19 MR. JOHN: And another thing is that Kenai
20 Native got subsistence up that way, if they're boat people
21 like they say they are, they could go up the Susitna almost
22 all the way up to Cantwell, the river.....

23
24 (Laughter)

25
26 CHAIRMAN LOHSE: What do you say to that
27 Gilbert?

28
29 MR. DEMENTI: Not quite.

30
31 (Laughter)

32
33 CHAIRMAN LOHSE: They got those small
34 boats. Thank you, Bonnie. I didn't mean to put you on the
35 spot. Those are the kinds of questions, you know, that I'm
36 wrestling with what the Staff proposal is -- or suggestion
37 is.....

38
39 MS. JULIUSSEN: Uh-huh.

40
41 CHAIRMAN LOHSE:what I've heard and I
42 have no doubt about the use of the resource, it's a
43 question of does the use of the resource merit the area
44 that's asked for, you know, to me there's never any
45 question about somebody using the resource in their
46 backyard.

47
48 MS. JULIUSSEN: Uh-huh.

49
50 CHAIRMAN LOHSE: It's when you get way off

00108

1 into somebody else's backyard, that you start wondering,
2 you know, so with that, thank you. And I didn't mean to
3 put you on the spot. Allan, you happen to be next.

4
5 MR. BALDWIN: Thank you. It's actually a
6 very good question and hopefully I can answer it
7 sufficiently enough that you won't have to ask it to the
8 next person. And actually I am on the Kenaitze Tribal
9 Council and I have testified before you before on this
10 issue and others. But today I would like to represent the
11 Native Village of Eklutna at this point. I am currently
12 the assistant CEO of Eklutna. I discussed the Kenaitze
13 proposal and the issues of C&T on the Kenai Peninsula and
14 our CEO gave me instruction to represent Eklutna and it
15 actually -- what he told me to say really answers your
16 question to a T.

17
18 The Native Village of Eklutna recognizes
19 the pattern of sharing in the harvest and processing as a
20 subsistence lifestyle and a traditional use of the
21 resources. The most important resource in the area is
22 moose, others such as caribou -- they're continually being
23 used in a culturally significant and historical based
24 manner. As Bonnie mentioned, the aspects of sharing and
25 providing for elders, Jacqueline, the education portion of
26 subsistence hunting and fishing, they all tie the way the
27 Native people have hunted all across the state. Right down
28 to the wood for smoking salmon and making jerked meat. One
29 of the elders of Eklutna who now resides outside; her
30 seasoned fish, but she didn't have the right kind of wood
31 in Arizona, they have different wood. So not only do we
32 share our fish but we share our wood, too. Eklutna sent
33 wood to Arizona so she could smoke her fish and it would
34 taste right.

35
36 Eklutna is -- one of the meanings for the
37 name Eklutna is a place by clear water. Eklutna was a
38 gathering place for Natives all the way from Seldovia, Port
39 Graham, the Kenai Peninsula would travel to Eklutna to meet
40 and they would exchange their resources whether it were
41 fish, clams, and the Natives were living in the Denali
42 area, what you spoke of, that region of Unit 16, they would
43 travel to Eklutna also, to trade and to share their
44 resources that they have. So it's a meeting place. The
45 Native villages and the tribes and the Kenaitze Tribe, in
46 particular, the surveys that were returned to the tribe
47 about C&T and hunting, many, many of the elders said that
48 on the survey stated that they would not travel into
49 another tribe's jurisdiction to hunt. Historically, that
50 was not done. You went into another tribes area by

00109

1 permission or you went to their village and you traded with
2 them. And because of that, and today our elders stating
3 that it is not right -- it isn't correct to go into
4 somebody else's area and take their resources without their
5 permission. And I think that is something that the
6 Kenaitze people teach their young people, you act
7 respectfully and you use your resources completely. And
8 part of respecting an animal is respecting the people that
9 it belongs to.

10
11 And with that, the Native Village of
12 Eklutna supports a positive C&T determination for the Kenai
13 Peninsula. Thank you.

14
15 CHAIRMAN LOHSE: For all those areas?

16
17 MR. BALDWIN: Yes. Thank you.

18
19 CHAIRMAN LOHSE: Allan, you and I have
20 listened to lots of testimony in the past, been in lots of
21 meetings in the past, one of the things that we're dealing
22 with at this point in time is something that we've gone
23 through and that's the fact that the Kenai Peninsula is now
24 entire -- the entire Kenai Peninsula is now a rural area,
25 that means that not all the people on the Kenai Peninsula
26 have those same traditions of respecting other people's
27 areas. And this proposal, as it's written, will give all
28 residents of the Kenai Peninsula C&T for 16(A), 16(B) and 9
29 and 7, and I guess that's where my question comes, can we
30 teach them the same kind of respect for other people's
31 areas?

32
33 MR. BALDWIN: That is something that the
34 Kenaitze Tribe strives to do. We, not only share our
35 resources but we share our knowledge and understanding.
36 And I would just remind you that, as you stated, a limited
37 resource in a given area is not a reason to deny C&T for
38 people and that's very good to hear.

39
40 The Kenaitze, in their proposal, originally
41 intended to ask for C&T for the Kenaitze people and after
42 discussions our proposal was amended and your question
43 definitely is a dilemma for regulators, that the Kenaitze
44 will work hand in hand with you once we have C&T
45 determined.

46
47 CHAIRMAN LOHSE: Any other questions for
48 Allan? Thank you.

49
50 MR. BALDWIN: Thank you.

00110

1 CHAIRMAN LOHSE: Okay. We have one more
2 oral comment. Wayne Wilson.

3
4 MR. WILSON: Hello, I'm Wayne Wilson from
5 the Kenaitze Indian Tribe, I'm on the council. I want to
6 answer the 16(A) question. Who drew these boundaries?

7
8 CHAIRMAN LOHSE: I don't know.

9
10 MR. WILSON: You don't know, well, I'm
11 guessing the Kenaitze Indian Tribe didn't draw the
12 boundaries. So if we said, I don't have no idea, to tell
13 you the truth whether we were up in this area, but we could
14 possibly have been in the southern half of the 16(A) so if
15 we claim to be in the southern half, then because of the
16 boundaries we can go up to Denali Park, that's not our
17 fault. So that kind of answers your question, I think.
18 Just because we touch the boundary, that's all you have to
19 do, right? Would you agree?

20
21 CHAIRMAN LOHSE: Except that the lower part
22 is all State land.

23
24 MR. WILSON: Okay, well, I'm just saying
25 16(A).

26
27 CHAIRMAN LOHSE: Yes.

28
29 MR. WILSON: I don't have no idea.

30
31 CHAIRMAN LOHSE: Yeah.

32
33 MR. WILSON: I just wanted to put that out.
34 Traditionally, I guess, my great-great grandpa was James
35 Wilson and he come up from who knows where, Scotland or
36 somewhere, and my great-great-grandma was the one he
37 married and he met her in Kenai, Alaska back in 1950 -- I
38 mean 1850 so I'm assuming she wasn't the first one here.
39 So that's the first record we have, you know, of the White
40 and the Native mixing together. So there is history there
41 and that proves it because we have a family tree. And I
42 know there was no Safeways or Carrs back then so I'm only
43 guessing they had to live off the land and that would have
44 to be the moose and the fish.

45
46 The lady pointed out that there was caribou
47 before the gold era, so I'm guessing they probably ate
48 caribou, too. They were wiped out when the White man came,
49 so, once again, that's not our fault. Now, traditionally
50 we probably did take them and they probably were more

00111

1 plentiful but they were wiped out. So, once again, I don't
2 think it's our fault.

3
4 I know, traditionally my grandpa did it and
5 I'm sure the one before he did. He taught my dad how to
6 hunt, my dad taught me how to hunt. Unfortunately my dad's
7 lazy so we drive in a car now. But my cousins, they're my
8 age, they hunt all the -- every year and last year, in
9 particular, there were seven of us out checking a moose out
10 and it was legal and so one of my cousins took a shot at it
11 and they all took off running after it and, of course, I
12 sat back at the car and watched them because I wasn't too
13 interested in it, and they got the moose and they cut it up
14 and we had a good time, so I think historically we've
15 hunted for moose and fished. I don't see why we have to
16 prove that the Native people have fished and hunted because
17 I know they did. I couldn't imagine them eating grass.
18 And like I said, there were no stores, so I guess we can
19 throw all that out.

20
21 So I am brown so I -- to the tell you the
22 truth I don't eat moose meat or fish because I eat at the
23 store, but if we're just talking about whether we have
24 history here or not, we do, so I don't think we have to
25 keep on arguing about this every single quarter of the
26 year.

27
28 I hope you support it and I thank you for
29 listening to me. Thank you.

30
31 CHAIRMAN LOHSE: Thank you. Don't run off.

32
33 MR. WILSON: Oh, okay, go ahead and ask me
34 questions.

35
36 CHAIRMAN LOHSE: Any questions for Wayne?

37
38 MR. WILSON: No, questions, okay.

39
40 CHAIRMAN LOHSE: I got one.

41
42 MR. WILSON: Okay, go ahead.

43
44 CHAIRMAN LOHSE: Why don't you eat moose
45 meat?

46
47 MR. WILSON: Because I know better. No, I
48 just don't eat moose meat. I just -- my parents didn't
49 make me eat moose meat so I chose to eat store bought food.
50 That's just a preference, me. I don't know any other

00112

1 Native that does that, though.

2

3 UNIDENTIFIED VOICE: We don't either.

4

5 CHAIRMAN LOHSE: What?

6

7 MS. WILKINSON: She doesn't either.

8

9 (Laughter)

10

11 CHAIRMAN LOHSE: Thank you.

12

13 MR. WILSON: Thank you.

14

15 CHAIRMAN LOHSE: I don't know if we can put
16 any credence in the testimony of somebody who doesn't eat
17 moose meat.

18

19 (Laughter)

20

21 MR. BALDWIN: Mr. Chair, he tans well,
22 though.

23

24 (Laughter)

25

26 CHAIRMAN LOHSE: Shall we take a short
27 break before we handle this?

28

29 MR. JOHN: Yes.

30

31 (Off record)

32

33 (On record)

34

35 CHAIRMAN LOHSE: We will call this session
36 back in order. Fred just pointed out something to me, if
37 we take a look on Page 91 in your book, there's a map right
38 there which might help clarify your idea of where 9(A) is.
39 It's not drawn on the map that we have, on the big map.
40 But 9(A) is basically the costal strip of that section of 9
41 over there. It looks to me like it goes down right to the
42 start of the Katmai National Park and across Kohonek and
43 then along that shore all the way up to the border right
44 over here and it takes in part of Lake Clark National Park.
45 Like it goes -- I don't think it takes in Pedro Bay, it's
46 just -- it's inside of Pedro Bay, it's at the head of the
47 bay in Pedro Bay, so there's a line missing here that
48 should go across -- yeah, it should go across just like
49 this. This is 9(A) right here, from here to here to here
50 to here.

00113

1 MR. JOHN: Okay.

2

3 CHAIRMAN LOHSE: And like Fred was pointing
4 out, there is a lot of inholdings and land that's owned by
5 the corporations that are over in 15, right?

6

7 MR. ELVSAAS: Yeah. Also allotments by
8 people from Kenai.

9

10 CHAIRMAN LOHSE: A lot of allotments by
11 people from Kenai there, too, okay. Okay. That helps
12 clarify that. And I had somebody else that was going to
13 clarify something that he gave us before so -- he, that's a
14 bad way to say that -- it's late in the day.

15

16 MR. JENNINGS: Yes, Mr. Chair, Tim Jennings,
17 Office of Subsistence Management. I did want to clarify
18 for the record the rationale and the reason why the Bristol
19 Bay Council did not support changing the C&T determination
20 for 9(A) and (B). As I recall the discussion, it was
21 because they agreed with the Staff recommendation, that
22 they believed it was not supported by substantial evidence.
23 There was some discussion about that it appeared a lot of
24 the use over there, in recent years, especially, was guided
25 hunting and it wasn't subsistence hunting. So I wanted to
26 clarify that for the record, Mr. Chair.

27

28 CHAIRMAN LOHSE: Thank you. That was their
29 reasoning?

30

31 MR. JENNINGS: Correct.

32

33 CHAIRMAN LOHSE: Okay. That pretty well
34 takes care of our introduction, analysis, written and oral
35 comments on it. At this point in time it's up to the
36 Council. The Council can make a motion to accept the
37 proposal as written, to reject the proposal as written, to
38 modify the proposal, I'll leave that up to the wishes of
39 the Council. Or just accept it as written and we can
40 modify or not modify it later.

41

42 MR. ELVSAAS: Mr. Chairman.

43

44 CHAIRMAN LOHSE: Fred.

45

46 MR. ELVSAAS: In concept I support the
47 proposal, but I do have some problems with 16(A) and 9(B).
48 And you know, as you just now mentioned, we could adopt the
49 proposal by the Kenaitze Tribe, which, I think is far more
50 realistic knowing the use and knowing the history, I

00114

1 personally could not vote to deny them the right to hunt
2 where they have hunted for generations, and I have personal
3 knowledge of that. And the issue of the State lands not
4 applying at this point is valid today. But if we all do
5 our homework right and hopefully at some point, the State
6 and the Federal government will get together with the
7 tribes and other users and there's co-management agreements
8 within the state on these areas, this could be very
9 crucial. If we deny the areas, such as 16(B), and then
10 there was co-management agreements and they said, well, you
11 threw that out the window years ago, we've lost something
12 that people have strived for for years. So I think it
13 would be beneficial for us to approve the proposal by the
14 Kenaitze Tribe, but at this point I would like to know if
15 they wouldn't concur with deleting 16(A) and 9(B)? 16(A)
16 is up in the Park and I don't see that as crucial to what
17 the goal is here, and 9(B) is Lake Iliamna, Pedro Bay and
18 areas like that, and I could see nothing but a big conflict
19 between the Bristol Bay committee and communities and the
20 Kenai people.

21
22 I would like to make that motion and I
23 would ask for support but on the other hand I don't want to
24 do that unless the proponent concurs with it. We can shoot
25 for the whole ball of wax, but I would have to swallow
26 twice to support parts of that.

27
28 I see they're conferring. Mr. Showalter.

29
30 MR. SHOWALTER: Yes, James Showalter, Vice
31 Chairman, Kenaitze Tribe. Okay, I think we'll go ahead and
32 come up with our main intent, I do believe, was for 16(B)
33 and 9(A), which was just now in discussion because those
34 are the lands that we historically use also.

35
36 CHAIRMAN LOHSE: And 15 and 7?

37
38 MR. SHOWALTER: Yes.

39
40 CHAIRMAN LOHSE: Can I ask you a question,
41 one other question that's been raised is the issue of Kings
42 Bay, which in the past hasn't had a moose herd, has a small
43 moose herd that Chenega and Tatitlek has the only C&T on
44 Kings Bay. That is part of Unit 7 that extends basically,
45 you know, it used to be considered part of Unit 6, the
46 headwaters -- the base of the bay is Unit 6, Chenega and
47 Tatitlek is in Unit 6 but where they hunt moose is at the
48 head of the bay which is in Unit 7, but the only access is
49 through Unit 6, and one of the Staff's recommendation was
50 to Unit 7, not counting Kings Bay because Kings Bay is

00115

1 mostly Unit 6, except for just the head where the moose sit
2 and the only ones that have hunted there in the past have
3 been Chenega and Tatitlek, so question on that one. The
4 Staff's comments were to -- or Unit 7 except for the
5 portion of Kings Bay; do you have any thoughts on that?
6

7 MR. SHOWALTER: I think that would be more
8 than acceptable, yes.
9

10 CHAIRMAN LOHSE: It'd be more than
11 acceptable. Do you wish to make a motion to that effect
12 then?
13

14 MR. ELVSAAS: Yes. Thank you. Thank you.
15 I would move that we approve Proposal 49 by Kenaitze Indian
16 Tribe which would include Unit 15, Unit 7, except in Kings
17 Bay, Unit 16(B) and Unit 9(A).
18

19 CHAIRMAN LOHSE: Do I hear a second?
20

21 MR. DEMENTI: Second.
22

23 CHAIRMAN LOHSE: It's been moved and
24 seconded. Discussion. Comments.
25

26 MR. JOHN: Okay, I got a question. If we
27 pass this, all the rural residents in Kenai has C&T up in
28 the whole area across there? Is that the proposal?
29

30 CHAIRMAN LOHSE: That's correct. For the
31 areas that were just mentioned, yeah.
32

33 MR. JOHN: They don't have to go through
34 the -- what we're doing right now, we're making them all
35 C&T?
36

37 CHAIRMAN LOHSE: Uh-huh.
38

39 MR. JOHN: All of them, they don't have to
40 go individually?
41

42 CHAIRMAN LOHSE: No. Pat.
43

44 MS. PETRIVELLI: Just Lake Clark National
45 Park, they would have to get a 1344 permit.
46

47 CHAIRMAN LOHSE: They'd have to get either
48 a 1344 or be in a resident zone community.
49

50 MS. PETRIVELLI: Yeah. So they would.....

00116

1 CHAIRMAN LOHSE: So it doesn't open up Lake
2 Clark. There's very little Federal land involved, but like
3 Fred says it may have an effect on State land in the
4 future. But, yes, at this point in time, the Kenai
5 declared rural, it includes all rural residents of Unit 15
6 and 7.

7
8 MR. ELVSAAS: In response to Fred, it's the
9 action and the C&T that's done by the Kenaitze Indian
10 Tribe, the Native people of the Kenai Peninsula that made
11 all of the non-Native community -- all those other
12 communities C&T already, you know, and I guess the best way
13 I can say it is there's times when we don't want these
14 Americans following us around but they're going to be there
15 whether we like it or not. And I can't justify denying the
16 people the right to hunt because somebody else may hunt
17 also.

18
19 CHAIRMAN LOHSE: Any other discussion? Do
20 I hear the question?

21
22 MR. JOHN: Question.

23
24 CHAIRMAN LOHSE: The question's been called
25 for. The proposal as it's proposed is that residents of
26 Unit 15 and 7 will have C&T in Units 15, 7, except for
27 Kings Bay, 9(A) and 16(B), in other words, both sides of
28 the bay that they live on. Okay, all in favor signify by
29 saying aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN LOHSE: All opposed signify by
34 saying nay.

35
36 (No opposing votes)

37
38 CHAIRMAN LOHSE: Motion carries. Okay,
39 with that we go onto Proposal WP01-50.

40
41 MR. BALDWIN: Mr. Chairman.

42
43 CHAIRMAN LOHSE: Allan.

44
45 MR. BALDWIN: Could you repeat the motion
46 one more time?

47
48 CHAIRMAN LOHSE: Could I repeat the motion
49 one more time?

50

00117

1 MR. BALDWIN: We just missed the last.....

2

3 CHAIRMAN LOHSE: And somebody better
4 correct me if I'm wrong, but the motion as I understood it
5 was that residents -- rural residents of Unit 15 and 7 have
6 a customary and traditional determination for areas 15, 7,
7 except for Kings Bay, 9(A) and 16(B).

8

9 MR. BALDWIN: Thank you.

10

11 CHAIRMAN LOHSE: Am I correct?

12

13 MS. PETRIVELLI: Uh-huh.

14

15 CHAIRMAN LOHSE: Good. The last thing we
16 need is three different proposals going at the same time.

17

18 (Laughter)

19

20 CHAIRMAN LOHSE: Okay, Proposal WP01-50,
21 extending the moose season in 15(A). Okay.

22

23 MR. LaPLANT: Thank you, Mr. Chairman.
24 Proposal 50 deals with moose in Unit 15(A) and it was
25 submitted by the Office of Subsistence Management. This
26 proposal was in response to an order from the U.S.District
27 Court of Alaska which declared the current season to be
28 invalid. The matter was remanded back to the Federal
29 Subsistence Board by the court for the purpose of adopting
30 a new moose season that provides a more meaningful
31 preference.

32

33 The current season or the season that was
34 just declared invalid in 15(A) was a season that began on
35 August 18th and concluded on September 20th. The season
36 provided subsistence users with a two day advantage over
37 the State's general season which began on September 20th.

38

39 CHAIRMAN LOHSE: Well, wait a second.

40

41 MR. JOHN: August 20th.

42

43 MR. LaPLANT: Excuse me, August 20th.

44

45 CHAIRMAN LOHSE: Okay.

46

47 MR. LaPLANT: My mistake, sorry.

48

49 CHAIRMAN LOHSE: Okay.

50

00118

1 MR. LaPLANT: Also of significance here is
2 the State has an archery season that begins on August 10th
3 and runs through August 20th, and then at that time the
4 general season begins.

5
6 The existing -- or I shouldn't say existing
7 anymore, it was the one that was declared invalid so the
8 old Federal season was established in 1996 following court
9 actions and ensued by Ninilchik Traditional Council. At
10 that time the Federal Subsistence Board established
11 customary and traditional use in 15(A) for moose by
12 Ninilchik -- the residents of Ninilchik, Port Graham,
13 Nanwalek and Seldovia. At that time they provided a season
14 with a two day priority. When they established that season
15 they expressed concerns about conflicting Federal seasons
16 with the current archery season that the State had. The
17 Federal season for Units 15(B) and 15(C) begin on August
18 10th and run through September 20th.

19
20 The harvest in the old system and the one
21 that we're recommending would be one antlered bull with
22 spike-fork or 50-inch with three brow-tines. So the only
23 change here we're recommending is that the earlier season
24 begin on August 10th.

25
26 A little bit on the biology of moose in the
27 area, the population objective for moose in 15(A) is 3,600
28 moose and the bull to cow ratio that they're looking for is
29 15 bulls per 100 cows. On the Refuge lands within that
30 area and if you look at the map on Page 125 you see that
31 the majority of the land here we're talking about in 15(A)
32 is Kenai National Wildlife Refuge. The population goal for
33 the Refuge is to have that 3,600 moose in the management
34 unit as well as having the bull/cow ratio at 25 bulls per
35 cow. So the Refuge goal was a little bit higher. The
36 current estimated population in the area is between 2,000
37 and 2,500 moose and currently has a bull/cow ratio of about
38 30 bulls per 100 cows. So the management objective, at
39 least, in the bull/cow ratio is being met, both for the
40 Refuge and for the State's objective. The population is
41 low. There's probably been a couple of years of severe
42 winter, winters of '98, '99 and '99/2000 were pretty severe
43 winters and there was some loss of population at that time.
44 The population is probably coming back because it's been a
45 mild winter. So it's expected to rebound.

46
47 But anyway, the effect of this proposal
48 would be to add eight additional harvest days for qualified
49 subsistence users which will be a total of 10 days
50 advantage that they'll have prior to the beginning of the

00119

1 State's general season. This eliminates a restriction
2 that's been viewed as an unnecessary restriction. This
3 will also make the seasons in Units 15(A), (B) and (C) all
4 the same.

5
6 Other effects that this proposal may have
7 actually depends on the action of the Federal Subsistence
8 Board on Proposal 49 which you just approved on the
9 previous proposal. If C&T is not granted by the Federal
10 Subsistence Board for all residents of Units 15 and 7, this
11 probably won't have any effect at all on Proposal 50 then
12 because since the season was established in 1996 there's
13 only been four hunters that have taken advantage -- or
14 reported of having hunted in 15(A) and they had not
15 harvested any moose. There's been no conflicts reported
16 with the archery hunters. So if it remains just the
17 residents of Ninilchik, Port Graham, Nanwalek and Seldovia,
18 the additional eight days probably won't be significant.
19 If Proposal 49 is approved by the Federal Subsistence
20 Board, the result could be approximately a thousand to
21 1,200 subsistence users in the field at the same time as
22 the State's archery season so there's some potential for
23 conflict there.

24
25 If you look on Table 2 on Page 128, we have
26 a display there of -- at the bottom of 128, it shows the
27 total number of hunters since 1992, from 1992 to actually
28 the '98/99 year and the percentage of those hunters that
29 are residents of Unit 15, as you can see, most of those
30 hunters are residents of Unit 15 and about 80 to 85
31 percent, depending on the year. The percentage of moose
32 harvested in the column to the far right indicates that
33 approximately 80 to 85, 87 percent of the harvest is done
34 by those residents of Unit 15.

35
36 So what basically will happen if Proposal
37 49 is passed is we will see this additional 1,200 hunters,
38 say beginning the harvest on August 10th. There probably
39 won't be any -- the total number of hunters won't change,
40 it's just that those hunters will be allowed to harvest
41 earlier. It should have no impact on the population.
42 We're recommending a spike-fork 50-inch three brow-tine
43 restriction on harvest so the breeding bull population will
44 still be protected and it will just give a greater
45 opportunity for subsistence users.

46
47 CHAIRMAN LOHSE: Any questions? Basically,
48 what this proposal does is gives a 10 day extension on the
49 season to 80-some percent of the hunters if they want to
50 get a Federal permit and only on Federal land?

00120

1 MR. LaPLANT: Correct. As you see from the
2 map.....

3
4 CHAIRMAN LOHSE: Most of it's Federal land.

5
6 MR. LaPLANT:the majority of the land
7 is Federal land.

8
9 CHAIRMAN LOHSE: Right. Okay. So that
10 also answers the question that I was going to ask. I was
11 wondering why -- I was wondering if any thought had been
12 given to; instead of extending the season at the start of
13 the season in conflict with the archery season, to extend
14 it at the end of the season which is the time that most
15 subsistence hunters would use despite the fact that it
16 would be -- because I know up to this point in time there
17 hasn't been many people take part in it. But the objection
18 is that it, you know, interferes with the rut. But if you
19 add 1,000 people interfering with the rut it's a lot
20 different than if you add, you know, 50, 60 or 100 or
21 something like that.

22
23 MR. LaPLANT: Exactly. Right. If we have
24 that many people involved break up the bull harems and
25 probably result in reduction in overall breeding and
26 overall productivity of the herd.

27
28 CHAIRMAN LOHSE: Right. So the problem
29 with this -- or not problem, the potential impact on this
30 one is greatly increased if Proposal 49 increases, because
31 at this point in time only these four villages have C&T.

32
33 MR. LaPLANT: Right. And the impact that
34 it will have will be on the conflict with the State archery
35 season and, you know, the State may reassess their archery
36 season at that time. But that's where the conflict would
37 be, whether that's significant or not, it seems to have a
38 potential to be a conflict there but it may not.

39
40 CHAIRMAN LOHSE: But it may not have a
41 conflict on the game population itself?

42
43 MR. LaPLANT: Unlikely to have an effect on
44 the population, correct.

45
46 CHAIRMAN LOHSE: I'm sure it should have
47 some effect, because if you have an extra 10 days, a few
48 more moose should be taken unless you feel that all
49 available moose are being taken?

50

00121

1 MR. LaPLANT: Well, a large percentage of
2 the available moose are being taken.

3
4 CHAIRMAN LOHSE: They are, okay.

5
6 MR. LaPLANT: A few more days may add an
7 increase in harvest but I don't think it will be to the
8 detriment to the overall population.

9
10 CHAIRMAN LOHSE: Okay. Any other
11 questions? Thank you. I see we have no Fish and Game
12 comments on this one at all. And this is in response to a
13 court order, if I read it right.

14
15 MR. LaPLANT: Yes. When the proposal was
16 written, we were anticipating a court order and it actually
17 arrived on the 1st of March, I believe, so it is an
18 official court order now.

19
20 CHAIRMAN LOHSE: It is officially a court
21 order, okay.

22
23 MR. LaPLANT: So the existing season has
24 been declared invalid.

25
26 CHAIRMAN LOHSE: Okay, with that let's go
27 on to written public comments.

28
29 MS. WILKINSON: We have several.

30
31 The Central Peninsula Advisory Committee
32 supports this proposal since the State allows a special
33 archery season to begin at that time subsistence hunting
34 should also be allowed. This proposal will also align the
35 subsistence season in all portions of Unit 15.

36
37 Mr. Art Copoulos, a part-time resident of
38 Hope supports the proposal because the opening -- excuse
39 me, because opening the season earlier will avoid confusion
40 with subsistence hunting.

41
42 I'm sorry, I don't know how to pronounce
43 this fellow's last name, Rob Chiappone, Mark Krizer and
44 Robert Wall and someone named Jerry send in an email,
45 oppose Proposal 50. They all expressed a concern that the
46 meat taken so early in August will spoil and be difficult
47 to properly preserve. They also voiced a -- two of them
48 also voiced opposition to all moose hunting in August and
49 recommend a late season instead, late September season.
50 Mr. Krizer also said that a hunt closer to the rut makes it

00122

1 easier to get a moose and said he would rather see a late
2 season every other year rather than one early in August.

3
4 That's all.

5
6 CHAIRMAN LOHSE: Tim.

7
8 MR. JENNINGS: Mr. Chair, Tim Jennings,
9 Office of Subsistence Management. Dan has alluded to this
10 but I wanted to make sure that this was clearly understood
11 for the Council, they court order only invalidated the
12 existing two day season. What the court said was that it
13 didn't provide a meaningful subsistence priority. And they
14 remanded the issue of a subsistence priority for moose and
15 for the season for moose back to the Board, to go through
16 the public process. The court did not tell us that 10 days
17 was the appropriate remedy. They left the remedy up to the
18 public process, up to your recommendation and the public
19 recommendation to the Board to make a decision in terms of
20 what would be a meaningful subsistence priority. They
21 found that the two day season, they viewed as arbitrary and
22 capricious, particularly when there was a 10 day season in
23 advance of the general season for bow hunting.

24
25 Okay, so I wanted to clarify that.

26
27 CHAIRMAN LOHSE: So they didn't mandate 10
28 days?

29
30 MR. JENNINGS: Correct.

31
32 CHAIRMAN LOHSE: They said we have to do
33 something?

34
35 MR. JENNINGS: Correct.

36
37 CHAIRMAN LOHSE: This would align it with
38 the other subsistence seasons in the rest of Unit 15; am I
39 correct in that?

40
41 MR. JENNINGS: Yes.

42
43 CHAIRMAN LOHSE: And one of the requests
44 that we've had is that we treat Unit 15 as a unit and not
45 as broken up pieces.

46
47 MR. JENNINGS: And that was one of the
48 reasons why Staff is recommending the 10 day season, was to
49 align with the other subsistence priority given in Units
50 15(B) and (C).

00123

1 MR. LaPLANT: So the court said, well,
2 approve the 15(B) and (C) as being adequate.

3
4 MR. JENNINGS: So that's the basis of the
5 10 days.

6
7 CHAIRMAN LOHSE: Right.

8
9 MR. JENNINGS: But the court did not tell
10 us.....

11
12 CHAIRMAN LOHSE: To give 10 days.

13
14 MR. JENNINGS:to give 10 days. They
15 just said go back and look at it.

16
17 CHAIRMAN LOHSE: But they have approved the
18 10 day season and the other as a meaningful season?

19
20 MR. JENNINGS: Well, I don't know that they
21 really addressed that in the other two units, did they? I
22 believe it was only was a challenge of Unit 15(A) and the
23 two day season.

24
25 CHAIRMAN LOHSE: Okay. So the fact that
26 they made no comment on it doesn't mean anything because it
27 never was brought before them?

28
29 MR. JENNINGS: I believe that's the case.
30 If anybody here knows differently then -- Taylor, or Pat,
31 Ida; I don't believe they addressed 15 -- I think they just
32 addressed 15(A), Mr. Chair.

33
34 CHAIRMAN LOHSE: Okay.

35
36 MR. JENNINGS: And they made no presumption
37 about what the outcome should be, they just directed the
38 Federal Subsistence Board to go back and look at what would
39 be a meaningful priority in 15(A).

40
41 CHAIRMAN LOHSE: Okay. So technically
42 speaking, all of those could still be challenged if
43 somebody wanted to challenge them and then they would have
44 to make the decision as to whether 10 days was good.

45
46 MR. JENNINGS: But currently nobody has
47 challenged those seasons in 15(B) or (C) as not providing a
48 meaningful subsistence priority.

49
50 CHAIRMAN LOHSE: Okay, thank you. Okay, we

00124

1 have one request for oral testimony -- oh, no, it's not
2 related to a proposal so I'll save it until after the
3 proposals are over. Okay, then we have no oral comments on
4 this proposal. So a motion is in order by the Council.

5
6 MR. JOHN: I make a motion to adopt this
7 proposal.

8
9 CHAIRMAN LOHSE: As presented?

10
11 MR. JOHN: As presented.

12
13 CHAIRMAN LOHSE: Do I hear a second.

14
15 MR. ELVSAAS: Second.

16
17 CHAIRMAN LOHSE: It's been moved and
18 seconded that we adopt this proposal as presented.
19 Discussion.

20
21 MR. DEMENTI: Question.

22
23 CHAIRMAN LOHSE: The question's been called
24 for. All in favor signify by saying aye.

25
26 IN UNISON: Aye.

27
28 CHAIRMAN LOHSE: All opposed signify by
29 saying nay.

30
31 (No opposing votes)

32
33 CHAIRMAN LOHSE: Thank you. Motion
34 carries. Justification is that we also agree with aligning
35 15, all of 15 as a unit, too.

36
37 Okay, we're now on Proposal WP01-11, which
38 is wolf hunting and trapping. Close that portion of the
39 Denali National Park and Preserve east of the Toklat River
40 within Unit 20(C) to wolf hunting and trapping. The
41 proposal was submitted by the Alaska Wildlife Alliance in
42 Anchorage. Hollis, do you want to present it to us.

43
44 MR. TWITCHELL: Mr. Chair, Council members.
45 I'm Hollis Twitchell with Denali National Park. I'd like
46 to reference you to Page 136 of your book, if you're not
47 already there.

48
49 Proposal 11 was submitted by the Alaska
50 Wildlife Alliance to close a portion of Denali National

00125

1 Park east of the Toklat River within Unit 20(C) to wolf
2 hunting and trapping. And if you look on the adjacent map,
3 which would be Page 137, I'd like to reference three items
4 on that map. If you look up and towards the right-hand
5 corner -- top right-hand corner, you see the words proposed
6 closure with an arrow pointing down below that. That
7 cross-hatched area represents the area that would be
8 included in this proposal as proposed by the Wildlife
9 Alliance, to close that area east of the Toklat in the new
10 Park addition to subsistence hunting and trapping. You'll
11 notice also down below it and just to the right there's
12 smaller letters that say BOG closure, those are referencing
13 the Board of Game closure to State trapping and hunting of
14 wolves in that area. Below those two regions you see a
15 blocked squared area which represents the old Mt. McKinley
16 National Park area. That area has been closed to all
17 consumptive uses so there's no subsistence or sport hunting
18 allowed in that region down below and we'll be talking
19 about each of those three regions in just a little bit.

20
21 The existing customary and traditional use
22 determination for wolves in 20(C) include residents from
23 Units 6, 9, 10 Unimak Island only, 11 through 13 and
24 residents of Chickaloon and 16 through 26. Since this is
25 within the boundaries of a National Park area there's
26 further eligibility requirements and for Denali, that would
27 be the communities that are resident zone communities of
28 Cantwell, Lake Minchumina, Nikolai and Telida. In addition
29 to those four communities there are a number of other
30 individuals with individual subsistence use permits that
31 are eligible from the communities of Mckinley Village,
32 Healey, Nenana and Tanana.

33
34 The existing regulations for 20(C) is
35 hunting, 10 wolves from August 10th through April 30th and
36 20(C) for trapping, it's November 1st through April 30th
37 with no limit. The proposed regulations would be hunting,
38 closing that area of Unit 20(C) within Denali National Park
39 east of the Toklat River, there'd be no open season under
40 hunting and then Unit 20 remainder would be 10 wolves with
41 the existing August 10th to April 30th date. Under the
42 trapping regulations, the proposed change would be for Unit
43 20(C), that portion within Denali National Park, east of
44 the Toklat River, no open season and then trapping under
45 20(C), the remainder would be no limit, November 1st
46 through April 30th.

47
48 The proponents of this proposal are
49 interested in providing a special protection for wolves
50 that live in and near Denali National Park Preserve road

00126

1 system. There's been a lot more visitors who have been
2 able to view wolves recently and the proponent would like
3 to provide additional protection for the East Fork Pack.
4 Thousands of visitors to Denali each year are able to view
5 wolves up close as they travel along the Park road system.
6 The wolves that are primarily being viewed are the East
7 Fork Pack and the Sanctuary Wolf Packs. There are
8 approximately 20,000 sightings of wolves by visitors each
9 year and visitors who participate in the bus tours have
10 about a 12 percent chance of seeing wolves. The proponents
11 are concerned that the East Fork Pack -- that if the East
12 Fork Pack were replaced by another pack, the visitor
13 tolerant behavior of the wolves associated with that pack
14 would cease to exist.

15
16 Approximately 90 percent of the East Fork
17 Pack's home range is within Denali National Park Wilderness
18 area, which is the former Mt. McKinley National Park area
19 we referred to in Figure 1, and that area is where hunting
20 and trapping are prohibited.

21
22 As of October 2000 and I guess I'll refer
23 you over to Figure 1, which is on Page 140, and the
24 significant thing about Figure 1, the dark gray area in
25 that map represents the former Mt. McKinley Park area
26 that's closed to consumptive uses. The lighter gray area
27 above it is the new Park additions that are open to
28 subsistence. The dots that you see scattered around
29 through that map represent locations of 1,080 radio
30 collared location identifications. The line that's drawn
31 in the circular manner around most of those dots represent
32 90 percent -- 95 percent of the home range for the East
33 Fork Pack. The significant thing to note here that is up
34 in the proposed closure area there are only seven
35 locations, out of those 1,080 locations over a 14 year
36 period of time that are in the area that's being proposed
37 for closure.

38
39 The Alaska Board of Game in its March --
40 November 2000 meeting, considered a proposal to cease
41 hunting and trapping of wolves on State land adjoining the
42 east side of Denali National Park and Preserve. After
43 public testimony and work group consideration and some
44 deliberations, the Board of Game closed wolf hunting and
45 trapping on State lands in that triangular-shaped area west
46 of Healey near the intersection of the Savage River and the
47 Park boundary. That was the area we talked about earlier
48 on Map 1. This was done to provide some additional
49 protection for the East Fork Wolf Pack. The Board of Game
50 placed a two year sunset clause on this provision.

1 We'll talk a little bit now about some of
2 the biological information. Most of the wolves disburse
3 from a territory where they were born by the age of three
4 years and they form new packs when they locate or disburse
5 of an opposite sex or from another pack in a vacant area to
6 establish a territory. Over this 14 years of fairly
7 intensive wolf study, an average of 28 percent of the
8 radio-collared wolves disburse annually, with most of the
9 disbursals occurring in April and May. Disbursal of the
10 one to three year old wolves help buffer variations and
11 food availability with more wolves disbursing during the
12 leaner years. The size of the home range is dependent upon
13 prey abundance and activities of neighboring packs and each
14 pack's individual habits. Wolf caused deaths are the
15 largest source of mortality for wolves under -- for wolves
16 older than nine months.

17
18 Nearly half of the wolves lost from the
19 population is due to being killed by other wolves.

20
21 The tenure of wolves in the Denali study
22 area through that period 1986 to 2000 was usually limited
23 to one to three years, some individual wolves have remained
24 in the study area for up to eight years. Figure No. 2
25 represents the distribution of age. One, being on the left
26 side of the chart, eight being the oldest and you can see
27 there's a high rate of turnover and disbursal of the
28 younger wolves.

29
30 There are usually about 15 wolf packs in
31 Denali National Park at any time with the population
32 varying from as low as 50 animals to nearly 175 animals
33 between that study period of '86 to 2000. Currently there
34 are about 95 schools in Denali's packs.

35
36 A little bit on harvest history. ANILCA
37 provided for a subsistence opportunity on Federal lands
38 created by the Act and as such, Denali National Park lands
39 were open to traditional subsistence hunting, trapping and
40 fishing.

41
42 Subsistence users for Denali, again, are
43 primary residents of Lake Minchumina, Cantwell, Nikolai and
44 Telida and a number of other individuals with subsistence
45 use permits from Healey, McKinley Village, Nenana, and
46 Tanana. There are usually four to five serious active
47 subsistence traplines in Denali Park and Preserve
48 additions. Looking at the harvest records we looked at
49 what's known as unified coding units in which the State
50 records where harvests are made. These UCUs extend both

00128

1 into and out of Denali National Park and Preserve
2 boundaries, so it's not easy to tell which wolves were
3 taken within the Park or Preserve simply from looking at
4 the sealing records.

5
6 Looking at the sealing records, there were
7 a total of 92 wolves taken over that 14 year period that
8 were harvested by National Park Service qualified
9 subsistence users. Those would be harvested both outside
10 of the Park as well as inside of the Park. After
11 interviewing the subsistence users who had harvest, we've
12 documented that only 35 of those 92 wolves as having been
13 harvested from within Denali National Park and Preserve
14 lands and that averages out, over that 14 years to two and
15 a half wolves per year. The remaining 57 harvests occurred
16 on adjacent non-Federal lands within those UCUs. Of those
17 32 harvests within Denali National Park and Preserve, 19
18 from the community of Cantwell and 19 from Lake Minchumina,
19 the other four were taken by individuals from other
20 communities with subsistence use permits.

21
22 The effect of this proposal, a subsistence
23 harvest of Denali National Park and Preserve wolves
24 averages about two percent per year from the Park
25 population as a whole. This proposal would most directly
26 impact the four to five active subsistence trappers
27 currently in the Park and Preserve. Based on harvest
28 records from '84 to '98, it's most likely to affect those
29 users from Cantwell, McKinley Village, Healey and Nenana.
30 Natural disbursal of wolves, mortality which results from
31 aggression among wolves and other natural causes of
32 mortality are responsible for most of the losses of wolves
33 from the population. The East Fork Pack makes very little
34 use of the area affected by Proposal 11. From 1986 through
35 the present there have been 1,080 radio locations for the
36 East Fork Pack of which only seven have been in the area
37 proposed for this closure. No radio collared wolves have
38 been harvested in the area affected by this proposal.

39
40 The Sanctuary Pack, the other pack that was
41 of interest by the Alliance territory is east of the Toklat
42 Pack and of the 260 locations, radio telemetry locations
43 for that pack gathered since 1995, none of them have shown
44 up in that proposed closure area.

45
46 The proposal is not expected to yield
47 specific protection to the tourist-friendly wolves of the
48 East Fork Pack. The proposal appears to be in direct
49 conflict with the provisions of ANILCA, which stipulates
50 that subsistence uses by local residents shall be permitted

00129

1 in additions to the Park where such uses are traditional.
2 The management of wildlife in these Park and Preserve
3 additions as specified in ANILCA mandates the conservation
4 of natural and healthy populations of wildlife in Park
5 boundaries while allowing for traditional subsistence uses
6 by local rural residents.

7
8 The preliminary conclusion is to oppose the
9 proposal. The justification is that ANILCA clearly
10 mandates that an opportunity for continued traditional
11 subsistence uses in Park and Preserve additions by local
12 rural residents. The wolf population in Denali National
13 Park and Preserve is considered healthy by Department of
14 Interior scientists and resource managers. The health of
15 the wolf population in Denali National Park and Preserve is
16 based on the total wolf population within the Park and
17 Preserve and is not based on the dynamics of individual
18 wolf packs or individual animals within a specific pack.

19
20 Further, the proposed closure would have a
21 negligible effect on the harvest levels for wolves for
22 which protection is sought.

23
24 The Denali Subsistence Resource Commission
25 does not support a subsistence buffer zone inside of Denali
26 National Park east of the Toklat River to the eastern Park
27 boundary. This Commission believes there is a healthy
28 population of wolves in the area and there is no biological
29 reason for creating the buffer zone which would have an
30 adverse effect upon subsistence users in the area.

31
32 The Commission noted that efforts to
33 protect one or two packs for the benefit of visitors does
34 not follow the natural and healthy guidelines of ANILCA.

35
36 The Denali Subsistence Resource Commission
37 formed under ANILCA, Title VIII, Section 808(a) is charged
38 to devise and recommend to the Secretary of the Interior
39 and the Governor of the program for subsistence hunting and
40 trapping within the Park.

41
42 The Denali Subsistence Resource Commission
43 recently took up Proposal 11 and I'd like to read their
44 recommendations to you. They oppose by unanimous vote this
45 proposal. The Denali Subsistence Resource Commission
46 opposes the proposed Federal closure for hunting and
47 trapping of wolves inside Denali National Park east of the
48 Toklat River to the eastern Park boundary. Our position
49 was presented to the Alaska Board of Game in a letter dated
50 April 19th, 2000, which stated; we sympathize with the

00130

1 desire of many people to preserve the Toklat and Sanctuary
2 wolf packs that frequent the eastern and northern part of
3 the Park and occasionally roam beyond Park boundaries onto
4 adjacent lands. We feel that the buffer zones would have
5 minimal effect in providing further protection for the two
6 packs in question. We believe the Toklat and Sanctuary
7 Packs are already well protected as they rarely travel
8 beyond the boundaries of the former Mt. McKinley National
9 Park, an area where no consumptive harvest is allowed. In
10 addition, we believe there is a healthy population of
11 wolves in the area and no biological reason for creating a
12 buffer zone which would adversely affect subsistence users
13 of the area. In addition to the Toklat and Sanctuary
14 Packs, we believe other wolf packs associated with the Park
15 road are becoming habituated to people and can provide
16 viewable wildlife opportunities. Nice as it is for
17 visitors to view wildlife, the Park is not to be operated
18 as a large scale zoo. Efforts to protect one or two packs
19 for the benefit of visitors does not follow the natural and
20 healthy guidelines of ANILCA. We are also concerned that
21 the precedence of buffer zones now proposed for wolves
22 might be extended to other animals important to subsistence
23 users in the future. Commission members believe wolves are
24 more threatened by proposed new roads, railroads, possible
25 developments and urbanization in the area in question.

26
27 End of comment. That concludes my
28 presentation.

29
30 CHAIRMAN LOHSE: Thank you, Hollis. Any
31 questions for Hollis' pretty thorough presentation? No
32 questions? Wow, we're quiet this time of day, you're
33 getting off easy. Do we have any Alaska Department of Fish
34 and Game comments?

35
36 MS. WILKINSON: There's no recommendation
37 at this time. The current low level of wolf harvest on
38 Federal public lands in Unit 20(C) is sustainable and is
39 having no detrimental biological impact on the wolf
40 population in that area.

41
42 CHAIRMAN LOHSE: I did have one question
43 that I wrote down after I asked everybody else, I forgot to
44 ask it. Actually I had three questions that I wrote down
45 but two were for my own information. But out of the
46 average 2.5 wolves that have been taken per year for the
47 last 14 years, let's say two to three, to your knowledge,
48 have any of them been taken in the area that's proposed for
49 closure?

50

00131

1 MR. TWITCHELL: No.

2

3 CHAIRMAN LOHSE: No. So basically, out of
4 the wolves that have been taken in the Park, none have come
5 out of that proposed closure area that you know of?

6

7 MR. TWITCHELL: No, they have not.

8

9 CHAIRMAN LOHSE: Now, when it says tenure
10 of the wolves is one to three years with eight being high,
11 that would appear to me, like that both of those packs, the
12 East Fork Pack and the Sanctuary Pack are always constantly
13 in the state of flux, they're constantly getting new
14 members, losing old members, but they still remain with the
15 same habit of being visitor-friendly for a lack of a better
16 way of putting it. Am I correct in that assumption or has
17 there been a core part of that pack that has stayed there,
18 that has basically trained the other ones that this is a
19 good and safe place to be?

20

21 MR. TWITCHELL: I think that's probably
22 correct. It seems like it's more in the recent years that
23 the breeding female has denned closer to the Park road,
24 raised her litter associated with the Park road which has
25 afforded the increased viewing opportunity. I think that's
26 sort of a learned behavior that they have received from
27 her.

28

29 We have a great interchange of genetic pool
30 in Denali disbursals from one pack to the other as well as
31 disbursals significant differences out and away from
32 Denali. We see the number of wolves in the Toklat Pack
33 going up and down, staying pretty much around 10 wolves but
34 will go up as high as 20 and several years ago it was
35 reduced down to three wolves. So there's a variance in
36 terms of the size of that particular pack. The concern
37 that triggered this proposal is when the pack dropped down
38 to three animals, the concern is then that they could be
39 trapped out and that's what initiated the proposals.

40

41 CHAIRMAN LOHSE: But if they were
42 accidentally trapped out from what we see right here from
43 the disbursal and everything, something else had moved in,
44 now would they have the same habits; I'm wondering because
45 we've seen the same increase in road nesting habits in a
46 lot of song birds, even like out our way. Where song birds
47 nest right in the trees right along side the road because
48 that's the safest place from predators there is, you know,
49 because you've got traffic on the road it keeps the
50 predators back and it's a safe place to raise their young.

00132

1 So if you have a female wolf that's learned that, she could
2 pass that same trait to other females in the pack in the
3 Park where they learn it's a safe habitat. The closer they
4 are to the road, the safer they are from bear attack, for
5 example.

6
7 MR. TWITCHELL: Well, I think that was the
8 concern of the Wildlife Alliance, not wanting to lose that
9 learned trait from these particular animals.

10
11 CHAIRMAN LOHSE: That particular pack.

12
13 MR. TWITCHELL: Right. But that's not
14 necessarily what the Park Service is all about.

15
16 CHAIRMAN LOHSE: Right.

17
18 MR. TWITCHELL: We're not managing for a
19 particular animal or a particular pack.

20
21 CHAIRMAN LOHSE: Well, when you were
22 talking about wolf kills by wolves -- well, you weren't
23 talking about it, it was in there, I'm sure you've read
24 studies on it, too. It says, wolves over nine months,
25 that's the highest source of mortality as being killed by
26 other wolves, is there an age at which -- is there a safe
27 age for wolves? I mean are they -- do they more tendency to
28 be killed while they're young and disbursing than when
29 they're old and wearing out or does this mortality extend
30 right across the board all the way through?

31
32 MR. TWITCHELL: Reflecting back to what the
33 biologist talks about and certainly the disbursal wolves
34 are at high risk, being killed by other wolf packs, that
35 they cross their territory after establishing one,
36 defending that territory off of neighboring packs, it's not
37 an easy life so certainly those disbursing animals, young
38 animals are at very high risk.

39
40 CHAIRMAN LOHSE: What I was curious about
41 that because of what we heard from Bob Tobey before about
42 in Unit 13, the drop in the prey population and as the prey
43 population drops, territories have to become more
44 vigorously defended. This could rapidly accelerate the
45 down crash or whatever you want to call it of the predator
46 population then also simply because of an increase of wolf-
47 to-wolf kill. I mean that's how I read it. Am I off base
48 in that kind of thinking?

49
50 MR. TWITCHELL: Well, in Denali, there's a

00133

1 number of food sources, so even though you may have the
2 caribou population which is fairly low, there's sheep and
3 moose as well. So the territory, I don't see them changing
4 radically over time, if you look at those dots in this
5 particular pack in question, that was over a 14 year period
6 and you can see where the animal has been living, the pack
7 has been living and utilizing. And that's, of course, the
8 size of that is going to be based on the availability of
9 resources and in this case, the sheep, the dall sheep and
10 the moose and the caribou and that's what it represents.

11
12 CHAIRMAN LOHSE: I didn't notice, was there
13 a scale on that map that gave us any indication of what
14 size of an area that is?

15
16 MR. TWITCHELL: No, there's not a scale on
17 that map but the territories, I'll have to look back into
18 myself, the size of the territories is.....

19
20 CHAIRMAN LOHSE: Page 140.

21
22 MR. TWITCHELL: Oh, you found it already.

23
24 CHAIRMAN LOHSE: Yeah.

25
26 MR. TWITCHELL: Okay. Yeah, between 200
27 and 1,000 square miles.

28
29 CHAIRMAN LOHSE: Okay, so that's like 20
30 mile by 10 mile area or 40 mile by 40 mile area right
31 there?

32
33 MR. TWITCHELL: Well, it's going to depend
34 on the availability of resources. There's some areas in
35 Denali that have higher densities?

36
37 CHAIRMAN LOHSE: No, I meant for this pack
38 that's right here.

39
40 MR. TWITCHELL: Yeah.

41
42 CHAIRMAN LOHSE: Not an exact one, Hollis,
43 I was just wondering about what kind of an area are we
44 looking at right here? An estimate? How far is it from
45 east to west to north to south?

46
47 MR. TWITCHELL: Well, to give it a
48 reference, the road, this black squiggly line that starts
49 from the right-hand side and goes all the way to the left-
50 hand side of the map on Page 140.....

00134

1 CHAIRMAN LOHSE: Uh-huh.

2

3 MR. TWITCHELL:that's a 90 mile road
4 going through the Park. That's the Park road.

5

6 CHAIRMAN LOHSE: Okay. So we're looking at
7 about 60 miles of it right there by about 30 miles?

8

9 MR. TWITCHELL: Yeah.

10

11 CHAIRMAN LOHSE: Like I said, those were
12 more for my own information more than anybody elses. But
13 there's a fairly large area then that's -- they have a
14 fairly large protected area then, somewhere around 1,800 or
15 1,500 square miles is what it looks like.

16

17 MR. TWITCHELL: And that's the position
18 that the Park Service and the Subsistence Resource
19 Commission has taken.

20

21 CHAIRMAN LOHSE: Thank you. Back to
22 written comments.

23

24 MS. WILKINSON: The Eastern Interior and
25 Western Interior Regional Councils both, unanimously,
26 opposed this proposal. They state that the wolf population
27 is healthy. There's no biological reason for a buffer
28 zone. Furthermore, a buffer zone would be in conflict with
29 ANILCA provisions allowing subsistence use within additions
30 to National Parks and the subsistence priority on Federal
31 lands.

32

33 The Upper Tanana Fortymile Fish and Game
34 Advisory Committee opposes this proposal.

35

36 Mr. Don Quorberg of Delta Junction opposes
37 the proposal and states that there is no biological
38 justification for it. The wolves are protected within the
39 Park and that is enough.

40

41 Mr. Patrick O'Connor of Palmer opposes this
42 proposal stating that the proposal would be illegal since
43 it excludes subsistence hunters who are guaranteed use of
44 Park lands.

45

46 There was 101 form emails and letters and
47 62 non-form emails and letters received in support of the
48 proposal. There 1,070 post cards received in support of
49 the proposal. There was one post card received in support
50 of hunting and trapping the Toklat wolves in Denali Park.

00135

1 (Laughter)

2

3 CHAIRMAN LOHSE: And he specifically
4 mentioned the Toklat wolves?

5

6 MS. WILKINSON: Uh-huh.

7

8 CHAIRMAN LOHSE: Okay. We have no oral
9 public testimony. So at this point in time, unless
10 somebody has some more questions for Hollis, a motion by
11 the Council is in order.

12

13 MR. JOHN: I make a motion to oppose
14 Proposal 11.

15

16 CHAIRMAN LOHSE: It's been moved that we
17 oppose Proposal 50.

18

19 MR. DEMENTI: Second.

20

21 CHAIRMAN LOHSE: It's been seconded.

22

23 MR. ELVSAAS: Proposal 50?

24

25 CHAIRMAN LOHSE: It is Proposal 50, isn't
26 it?

27

28 MR. DEMENTI: Yes.

29

30 MR. JOHN: No.

31

32 MS. WILKINSON: No, Proposal 11.

33

34 CHAIRMAN LOHSE: Proposal 11, I'm sorry.

35 Right, 01-11.

36

37 MR. JOHN: The justification.

38

39 CHAIRMAN LOHSE: The justification is
40 exactly what was presented in this paper.

41

42 MR. JOHN: Question.

43

44 CHAIRMAN LOHSE: The question's been called
45 for. All in favor signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN LOHSE: All opposed signify by
50 saying nay.

00136

1 (No opposing votes)

2

3 CHAIRMAN LOHSE: Motion carries. At this
4 point in time I just noticed what the clock says and it
5 says it's almost 5:30. Is Marhar Pete still here?

6

7 UNIDENTIFIED VOICE: He'll be back tomorrow
8 morning.

9

10 CHAIRMAN LOHSE: He will be back tomorrow
11 morning, good, then we can save his testimony. Let's take
12 a look at what we have on our plate for tomorrow and see
13 whether we need a night meeting.

14

15 MR. JOHN: Mr. Chair.

16

17 CHAIRMAN LOHSE: Yes.

18

19 MR. JOHN: Tomorrow, I'd like to bypass
20 Proposal 38, 39 and 40 and leave it up to the Eastern
21 Interior and support their position.

22

23 CHAIRMAN LOHSE: Okay. I think -- well, if
24 you wish to make that as a motion right now we can.

25

26 MR. JOHN: I make a motion right now.

27

28 CHAIRMAN LOHSE: Okay.

29

30 MR. JOHN: For Proposal 38 -- I read
31 through this stuff, it's up to them up there.

32

33 CHAIRMAN LOHSE: Right. I looked at it the
34 same way. I figured we would do that.

35

36 MR. JOHN: 39 and 40.

37

38 CHAIRMAN LOHSE: In keeping with our
39 practice in the past.

40

41 MR. JOHN: I'd like to make a motion that
42 we.....

43

44 CHAIRMAN LOHSE: Okay. That we take
45 Proposal 38, 39 and 40 and thank the Eastern Interior for
46 allowing us to look at it but we will leave it up to their
47 discretion?

48

49 MR. JOHN: Yeah.

50

00137

1 CHAIRMAN LOHSE: Do I hear a second?

2

3 MR. JOHN: And we'll support their
4 position.

5

6 MR. ELVSAAS: Second.

7

8 CHAIRMAN LOHSE: And we'll support their's
9 -- and we will support their position, okay. It's been
10 moved and seconded.

11

12 MR. JOHN: Question.

13

14 CHAIRMAN LOHSE: The question's been called
15 for. All in favor signify by saying aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN LOHSE: All opposed signify by
20 saying nay.

21

22 (No opposing votes)

23

24 CHAIRMAN LOHSE: Motion carries. Boy, if
25 we could do business like that all the time.

26

27 MR. JOHN: Yeah.

28

29 CHAIRMAN LOHSE: Okay, that leaves us how
30 many proposals to take care of tomorrow then?

31

32 MS. WILKINSON: 41.

33

34 CHAIRMAN LOHSE: 41.

35

36 CHAIRMAN LOHSE: Okay. And then after that
37 it will be Staff reports. I think that we're in good
38 shape. I don't think that -- does anybody else on the
39 Council think that we need a meeting tonight?

40

41 MR. DEMENTI: No.

42

43 CHAIRMAN LOHSE: Okay, in that case, we
44 will recess until 8:30 tomorrow morning.

45

46 (PROCEEDINGS TO BE CONTINUED)

47

* * * * *

00138

C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 02 through 137 contain a full, true and correct Transcript of the SOUTHCENTRAL FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I, taken electronically by David Burrows on the 20th day of March 2001, beginning at the hour of 8:00 o'clock a.m. at Copper Center, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 3rd day of April 2001.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04